



CITY COUNCIL

Meeting Agenda

REGULAR MEETING COUNCIL CHAMBERS

***MONDAY, DEC 19, 2016
7:00 P.M.***

The Regular Meetings of City Council are filmed and can be viewed LIVE while the meeting is taking place or at your convenience at any time after the meeting on the City's website at www.ReadingPa.gov, under "Live and Archived Meeting Videos". All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No. 27-2012.

RULES FOR PUBLIC PARTICIPATION AT COUNCIL MEETINGS

The Administrative Code, Section § 5-209 defines public participation at Council meetings.

1. Citizens attending Council meetings are expected to conduct themselves in a responsible and respectful manner that does not disrupt the meeting.
2. Those wishing to have conversations should do so in the hall outside Council Chambers in a low speaking voice.
3. Public comment will occur only during the Public Comment period listed on the agenda at the podium and must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Clapping, calling out, and/or cheering when a speaker finishes his comments is not permitted.
4. Citizens may not approach the Council tables at any time during the meeting.
5. Any person making threats of any type, personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking, removed from Council Chambers and/or cited.
6. Failure to abide by these regulations could result in your removal from Council Chambers and/or a citation. These regulations are meant to avoid disruptions at the meeting and they are not meant to interfere with public participation.

1. OPENING MATTERS

A. CALL TO ORDER

D. ROLL CALL

2. PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk by 5 pm on the day of the scheduled Council meeting or by legibly printing their name, address and the subject matter to be discussed on a sign-up sheet found on the podium in Council Chambers between 5 pm and 7 pm on the day of the scheduled meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration, including applause or cheering, at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

3. APPROVAL OF AGENDA & MINUTES

A. AGENDA: Special Meeting of December 19, 2016

B. MINUTES: December 12th Regular Meeting

4. Consent Agenda

A. Resolution 95-2016 – exonerating the City property taxes for the Islamic Center of Berks County for 101 W. Windsor St. as the property has been used by a church since 1903 and 822 N Front St. as the parking lot will be open for community parking in the total amount of \$29,219.36 for 2014-15

5. ORDINANCES FOR FINAL PASSAGE

Pending Legislation

Bill No. 2016 – creating the Reading Regional Water Authority ***Introduced at the May 23 regular meeting***

Ordinance – amending the City's Zoning Ordinance, Section 600-800, Districts, Section 600-1203 Conditional Use, Section 600-2100 Telecommunications Towers and Antennas, and Section 600-2206 Telecommunication Definitions ***Introduced at the August 8 regular meeting***

Bill No. 2016 - amending the City Code by adding Chapter 184 Controlled Substance, Drug, Device and Cosmetic making the possession of marijuana a summary offense ***Introduced at the September 26 regular meeting***

- A. Bill 67-2016** – amending City Code Chapter 5 Administrative Code, Part 10 Code of Ethics, Section 5-1009 Complaint and Investigation Procedure by creating a mediation process and clarifying which parties must submit annual statements of financial interest ***Introduced at the November 28 regular meeting; Tabled at the Dec 12th Regular Meeting***
- B. Bill 68-2016** – providing the Police with the authority to seize and dispose of All Terrain Vehicles unregistered with the DCNR ***Introduced at the November 28 regular meeting; Tabled at the Dec 12th Regular Meeting***
- C. Bill 70-2016** –amending the Position Ordinance by creating a Deputy Police Chief ***Introduced at the November 28 regular meeting; Tabled at the Dec 12th Regular Meeting***
- D. Bill 71-2016** –setting the salary of the Deputy Police Chief at \$90,500 ***Introduced at the November 28 regular meeting; Tabled at the Dec 12th Regular Meeting***
- E. Bill 72-2016** – Amending the 2017 Position Ordinance by adding a Programs & Project Manager to Public Works Administration
- F. Bill 73-2016** – Amending the 2017 Position Ordinance by removing the Deputy Police Chief from the Police Department Administration
- G. Bill 74-2016** – to amend the General Fund Budget Salary line items as listed
- H. Bill 75-2016** – to amend the General Fund Budget Self Insurance Salary line item
- I. Bill 77-2016** - Providing a one-time allowance of no more than two percent (2%), to Management employees who have been employed by the City of Reading for a minimum of one (1) full year, excluding the Managing Director

6. INTRODUCTION OF NEW ORDINANCES

A. Bill No. 2017 - Authorizing the execution of a Termination and Mutual Release Agreement re the redevelopment project of properties situated on Penn Street between 4th and 5th Streets owned by the City

B. Bill No. 2017 – Repealing Bill No. 22-2016, terminating the Reading Area Water Authority ***(to be distributed on Monday)***

7. RESOLUTIONS

A. Resolution 88-2016 – authorizing the mayor to rescind the agreement to transfer for the City's Micro-Loan Program to the Community First Fund, bringing the administration of the program in-house
Tabled at 11-28 and 12-12 Regular Meetings

B. Resolution 96-2016 – awarding the contract for municipal curbside waste – trash and recycling

8. COUNCIL MEETING SCHEDULE

Monday December 26th – City Hall Closed for Christmas Holiday

Monday, January 2nd – City Hall Closed for New Year's Holiday

Tuesday, January 3rd 5 pm - Strategic Planning Committee

9. ADJOURN

**City of Reading City Council
Regular Meeting
December 12, 2016**

Council President Waltman called the meeting to order.

The invocation was given by a representative of Rev. Sandra Fees.

All present pledged to the flag.

ATTENDANCE

Council President J. Waltman

Councilor Daubert, District 1

Councilor Goodman-Hinnershitz, District 2

Councilor Twyman, District 3

Councilor Marmarou, District 4

Councilor Reed, District 5

Councilor Slifko, District 6

City Auditor D. Cituk

Solicitor C. Younger

City Clerk L. Kelleher

Managing Director G. Steckman

Mayor W. Scott

There was an executive session on contractual issues at the Committee of the Whole meeting.

PROCLAMATIONS AND PRESENTATIONS

A presentation on the River Road Extension project was given by PennDOT consultants from McCormick Taylor. Matt Goudy, representing McCormick Taylor, introduced the team working on the project design and he provided the background on this multi-year project. He stated that a 2011 feasibility study determined that the completion of the River Road Extension project would benefit the redevelopment of the 50 acre tract known as Dana South. He stated that the project would keep truck traffic out of the adjoining residential area, by providing a connection to Schuylkill Avenue. He reviewed the plans distributed to Council and the display boards setup in Council Chambers.

The display boards have been available for public review in the 1st floor of City Hall. The display boards will remain available for an additional week.

Mr. Goudy explained the traffic changes that will occur and the new signalization and signage that will be installed. He noted that pedestrian and bicycle access ways will be improved. He explained that the consultants are working with the Reading Public Library Northwest Branch due to the changes that will occur on Bridge Street. He also explained the changes that will occur on Spring Street, West Windsor Street and Windsor and Ritter Playground.

Councilor Reed inquired if Penn DOT or the City will need to acquire any property to make this project move forward. Mr. Goudy stated that the consultants and City are working with the Reading School District to acquire the Windsor and Ritter Playground site.

Councilor Slifko inquired if PennDOT will be making improvements to West Windsor Street that might require the closure of the garage business located in the area. He noted that this business creates traffic and pedestrian safety problems in this area. He stated that he recently visited the area and found that the garage business has approximately 29 vehicles that require some form of service littered in the area. He questioned if PennDOT will shut this garage business down.

Councilor Reed stated that PennDOT has no role in deciding on the fate of the garage business, as that is a City issue. Councilor Goodman-Hinnershitz agreed, noting that the impact of the garage business in this neighborhood requires deeper exploration.

Councilor Marmarou questioned when the project will begin. Mr. Goudy stated that the final design of the project will begin after the environmental study concludes. Construction is planned for 2018.

Councilor Reed questioned the signage planned for the Lincoln Street and West Windsor Street intersection. Mr. Goudy stated that stop signs will be installed on the Lincoln Street area of this intersection. He noted that these streets are not included in the State highway system. Councilor Reed stated that Council can consider adding stop signs on West Windsor in the future.

Councilor Slifko complimented the PennDOT consultants on the thorough plans presented.

Council President Waltman questioned if Bridge Street would be closed to right turns when traveling west on West Windsor. Mr. Goudy stated that vehicles would need to turn right on the western side of the Schuylkill Avenue Bridge.

The managing director stated that he and the consultants are working with the Reading School District on a variety of issues with the Windsor and Ritter Playground.

PUBLIC COMMENT

Council President Waltman stated that there are two (2) citizens registered to address Council on agenda matters. There was no need to suspend the rule requiring non-agenda comment at the end of the meeting.

Councilor Daubert read the public speaking rules that were adopted by Council.

Bronwen Gamble, Exec. Director of the Reading Public Library, stated that the PennDOT consultants have had the same display boards set up at the Northwest Public Library for the past few weeks with public comment cards. She expressed the belief that the proposed project will improve the safety in this area. She expressed concern about the limitations that will be created for the Library's parking lot due to the closure of Bridge Street. She noted that the repair project that closed the Schuylkill Avenue Bridge a few years ago caused a decrease in the library's attendance. She stated that the situation did not reverse when the bridge reopened. She questioned the impact this project, and the various traffic changes, would have on the Library. She suggested adding a loading zone that could be used by the County Library System bus and school buses that brings children to the Northwest Branch.

Carlos Zayas, of South 11th Street, noted that Council has the power to amend bills and codes. He expressed concern about the proposed amendment of the Ethics Code that would create a mediation option, as mediation would thwart various types of complaint investigations. He noted that the Ethics Board does not have the ability to enter into the mediation process, as they are uninvolved in the complaint process until after the Investigative Officer concludes his investigation and makes a recommendation to the Board. He also noted that the mediation process could end the anonymity of the complainant. He expressed the belief that mediation should not be added to the Ethics Code as it is not sensible. He expressed the belief that adding a mediation option can increase the ability of some to hide their wrong doing. He suggested that Council remove the mediation option from the proposed amendment.

APPROVAL OF THE AGENDA & MINUTES

Council President Waltman called Council's attention to the agenda for this meeting and the minutes from the November 28th Regular Meeting of Council and December 5th Special Meeting. He announced that the following resolutions will be added to the Consent Agenda:

- 1. Resolution** – Authorizing the transfer of money in the amount of \$3,719.10 from the PLGIT #00003258011 City of Reading to Wells Fargo General Savings #2000011218070
- 2. Resolution** – Authorizing the transfer of money in the amount of \$2,462.91 from the PLGIT #00003258040 Motor License to Wells Fargo General Savings #2000011218070

Councilor Marmarou moved, seconded by Councilor Daubert, to approve the minutes from the November 28th Regular Meeting and the December 5th Special Meeting and the agenda as amended. The motion was approved unanimously.

Consent Agenda

- A. Resolution 91-2016** – Authorizing the transfer of money in the amount of \$3,719.10 from the PLGIT #00003258011 City of Reading to Wells Fargo General Savings #2000011218070
- B. Resolution 92-2016** – Authorizing the transfer of money in the amount of \$2,462.91 from the PLGIT #00003258040 Motor License to Wells Fargo General Savings #2000011218070

ADMINISTRATIVE REPORT

The mayor stated that he would like to provide clarification that he has nothing to do with the purchase of the artificial tree installed at 5th and Penn Streets and that he had nothing to do with the contribution Met Ed made toward the purchase of that tree. He stated that he was not involved in the decision RAWA made to purchase the snowflakes for the downtown street light standards; however, he stated that he was made aware that other municipalities install snowflake decorations in their downtown areas. He expressed the belief that City personnel installed the snowflake decorations purchased by RAWA and that the City may store the snowflakes during the off season.

The mayor stated that he was unaware that artificial trees were purchased for Council Chambers until he was called to look at the decorated trees. He expressed the belief that the trees and decorations in the downtown and City Hall do nothing more than represent the spirit of the holiday season. He expressed the belief that a strong working relationship has been achieved with City Council and he suggested that moving forward City Council members Should discuss these issues with him directly rather than using

the Reading Eagle. He stated that he is not being mean spirited about this issue. He noted his love of the symbols representing Christmas and the holiday season.

The mayor stated that the artificial tree at 5th and Penn is owed by DID and that he was unaware of RAWA's intent to purchase the snowflake decorations until after the RAWA Board made their decision to purchase the snowflakes.

The mayor noted the many errors made by administrations past and his desire to create a more positive image for the City of Reading. He suggested that if City Councilors have questions or concerns about actions or decisions that they speak with him directly rather than take the issue to the local media. He noted that many of the decorations and labor to install the decorations were donated. He stated that in the past he has treated Council respectfully and he hopes to get respect in return.

Councilor Marmarou noted that there may be less question about the snowflakes purchased by RAWA if the snowflakes were marked in some way that signifies the decorations were donated by RAWA.

Councilor Goodman-Hinnershitz described the volunteer Holiday Spirit Committee that worked in prior years to continuously make improvements to the appearance of the downtown during the holiday season. She stated that during the summer months Mr. Broad, Executive Director of DID, informed her of the changes that would exclude the volunteer committee. She suggested a more inclusive process. She noted the importance of Council and the mayor to serve the community and respect the diversity of this season. She noted the creation of the beautiful Charlie Brown/Snoopy Doghouse for 5th and Penn Street last year and she questioned its current location.

Councilor Reed noted the receipt of the RAWA Solicitor's opinion on the purchase of the snowflake decorations contains a caveat at the end noting that a ratepayer may challenge the purchase of the snowflakes and such a challenge could cause the need to return the snowflakes or have the City refund the money. She expressed the belief that the volunteer group that worked on the downtown holiday decorations should be used included in future efforts.

Council President Waltman noted the need to begin 2017 with an improvement in communication between Council and the administration. He suggested that all Councilors make arrangements for a monthly conversation with the managing director.

Councilor Twyman stated that he is excited about the start of 2017 and continuing to work with Council, the administration and citizens on a variety of issues to improve Reading.

The mayor stated that he too looks forward to continuing to work cooperatively with Council. He expressed the belief that the atmosphere within City Hall has improved, as he has provided a kinder, gentler government that is accountable. He thanked Council for their agreement to decriminalize parking tickets and the benefit that provides to those who are less fortunate.

The managing director invited Council to the City Hall holiday party from 11:30 am to 1:30 pm on December 15th. He noted that the rental property located at 118 Spring Street was approved by the Zoning Hearing Board as a four (4) unit rental property a few years ago. He stated that after the approval there was an internal lapse; however the complaints about issues at this property are being corrected through the proper channels and the proper timelines.

AUDITOR'S REPORT

The auditor highlighted the report distributed to Council in writing; in summary:

- 2000-16 State Snow & Ice Grant receipts
- 2012-16 Real Estate Transfer Tax receipts

The auditor reported that the holiday display being held by the Reading Fightin organization is subject to admissions tax. Councilor Reed thanked the auditor for following up.

REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

None.

ORDINANCES FOR FINAL PASSAGE

Pending Legislation

Bill No. 2016 - creating the Reading Regional Water Authority *Introduced at the May 23 regular meeting*

Ordinance - amending the City's Zoning Ordinance, Section 600-800, Districts, Section 600-1203 Conditional Use, Section 600-2100 Telecommunications Towers and Antennas, and Section 600-2206 Telecommunication Definitions *Introduced at the August 8 regular meeting*

Bill No. 2016 - amending the City Code by adding Chapter 184 Controlled Substance, Drug, Device and Cosmetic making the possession of marijuana a summary offense *Introduced at the September 26 regular meeting*

Pending 14 day layover – eligible for enactment on Dec 19th

Ordinance – repealing the existing lease agreement with RAWA and enacting a new lease agreement with RAWA ***Introduced at the December 5 special meeting***

Ordinance – Amending the 2017 Position Ordinance by adding a Programs & Project Manager to Public Works Administration ***Introduced at the December 5 special meeting***

Ordinance – Amending the 2017 Position Ordinance by removing the Deputy Police Chief from the Police Department Administration ***Introduced at the December 5 special meeting***

Ordinance – to amend the General Fund Budget Salary line items as listed ***Introduced at the December 5 special meeting***

Ordinance – to amend the General Fund Budget Self Insurance Salary line item ***Introduced at the December 5 special meeting***

Ordinance – Providing a one-time allowance of no more than two percent (2%), to Management employees who have been employed by the City of Reading for a minimum of one (1) full year, excluding the Managing Director ***Introduced at the December 5 special meeting***

J. Bill 65-2016 – amending City Code Chapter 5 Administrative Code, Part 10 Code of Ethics, Section 5-1012 Campaign Contributions and Reporting Requirements and Section 5-1003 by Amending the Definition of Individual ***Introduced at the November 28 regular meeting***

Councilor Daubert moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 65-2016.

Councilor Goodman-Hinnershitz asked the Solicitor to confirm that the ordinance will not be retroactively enforced. The Solicitor stated that the ordinance will not be retroactive.

Councilor Slifko stated that there is a legal prohibition about enacting de facto law allowing retroactive enforcement of new ordinances.

Councilor Daubert expressed the belief that the amendments make positive corrections to this legislation

Councilor Goodman-Hinnershitz stated that the amendment reduces the amounts that candidates can collect or fundraise when they run for City offices in municipal elections.

Bill No. 65-2016 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman, Waltman, President - 7

Nays: None – 0

K. Bill 66-2016 – authorizing a transfer within the Public Works Wastewater budget Fund 54 a total of \$150,000.00 from Fees to the following codes: Overtime; Water Services; Chemical Supplies. Shortage results were caused by system failures resulting in overuse of chemicals to maintain compliance with air quality limits as well as NPDES permit limits ***Introduced at the November 28 regular meeting***

Councilor Slifko moved, seconded by Councilor Reed, to enact Bill No. 66-2016.

The public works director explained the need for this budget transfer.

Bill No. 66-2016 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman, Waltman, President - 7

Nays: None – 0

L. Bill 67-2016 – amending City Code Chapter 5 Administrative Code, Part 10 Code of Ethics, Section 5-1009 Complaint and Investigation Procedure by creating a mediation process and clarifying which parties must submit annual statements of financial interest ***Introduced at the November 28 regular meeting***

Councilor Marmarou moved, seconded by Councilor Slifko, to enact Bill No. 67-2016.

Councilor Slifko expressed the belief that the concern expressed by Mr. Zayas during the public comment period is unwarranted, as the mediation option cannot be used in every instance. He noted that all parties need to agree to use the mediation process and that the settlement must also be approved by all parties. He noted that the parties are not required to use mediation and that mediation is offered only as an alternative to the investigatory process.

Council President Waltman moved, seconded by Councilor Daubert, to table Bill No. 67-2016.

Bill No. 67-2016 was tabled by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman, Waltman, President - 7

Nays: None – 0

M. Bill 68-2016 – providing the Police with the authority to seize and dispose of All Terrain Vehicles unregistered with the DCNR ***Introduced at the November 28 regular meeting***

Councilor Marmarou moved, seconded by Council President Waltman, to table Bill No. 68-2016.

Bill No. 68-2016 was tabled by the following vote:

Yeas: Daubert, Marmarou, Twyman, Waltman, President - 4

Nays: Goodman-Hinnershitz, Reed, Slifko – 3

N. Bill 69-2016 –authorizing the issuance of the Refunding Bonds in the aggregate principal amount not to exceed \$30,000,000 to be designated generally as “City of Reading, Berks County, Pennsylvania, General Obligation Bonds, Series of 2017” or such other name or designation as shall be selected The Bonds shall be issued and sold in accordance with the provisions of the Act by private sale by negotiation which is in the best financial interests of the City ***Introduced at the November 28 regular meeting***

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 69-2016.

The managing director described the benefits of refunding this sewer bond as it will lower the interest rate, reducing the bond payments and cost to the system customers.

Councilor Goodman-Hinnershitz stated that this refunding is one of the most positive financial moves the City has made as it will save the rate payers money going forward.

Bill No. 69-2016 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman, Waltman, President - 7

Nays: None – 0

O. Bill 70-2016 –amending the Position Ordinance by creating a Deputy Police Chief ***Introduced at the November 28 regular meeting***

Councilor Daubert moved, seconded by Councilor Reed, to table Bill No. 70-2016.

Bill No. 70-2016 was tabled by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman, Waltman, President - 7

Nays: None – 0

P. Bill 71-2016 –setting the salary of the Deputy Police Chief at \$90,500 ***Introduced at the November 28 regular meeting***

Councilor Daubert moved, seconded by Councilor Reed, to table Bill No. 71-2016.

Bill No. 71-2016 was tabled by the following vote:

Yeas: Daubert, Marmarou, Reed, Slifko, Twyman - 5

Nays: Goodman-Hinnershitz, Waltman, President – 2

INTRODUCTION OF NEW ORDINANCES

There were no ordinances introduced at this meeting.

RESOLUTIONS

A. Resolution 89-2016– appointing Donna Reed as Council liaison to the BCTV Board with Stratton Marmarou as alternate

Councilor Slifko moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution No. 89-2016.

Councilor Goodman-Hinnershitz explained that these are ad hoc liaison appointments and that those appointed will have no vote or voice at the meetings.

Resolution No. 89-2016 was adopted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Slifko, Twyman, Waltman, President - 5

Nays: None – 0

Abstention - Marmarou, Reed - 2

B. Resolution 93-2016– reappointing Paul Hoh to the Library Board

Councilor Slifko moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution No. 93-2016.

Councilor Slifko noted the skill and experience Mr. Hoh has brought to the Library Board and his dedication to the Library and volunteerism in general.

Resolution No. 93-2016 was adopted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman, Waltman, President - 7

Nays: None – 0

C. Resolution 94-2016 – reappointing William Cinfici to the Planning Commission

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to adopt Resolution No. 94-2016.

Councilor Goodman-Hinnershitz explained that Mr. Cinfici has been an active member on the Planning Commission and described the experience he brings to this board.

Councilor Twyman spoke of the importance of this board. He stated that Mr. Cinfici is very well-versed in community planning.

Resolution No. 94-2016 was adopted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman, Waltman, President - 7

Nays: None – 0

D. Resolution 88-2016 – authorizing the mayor to rescind the agreement to transfer for the City's Micro-Loan Program to the Community First Fund, bringing the administration of the program in-house

Councilor Slifko moved, seconded by Councilor Goodman-Hinnershitz, to table Resolution No. 88-2016.

Resolution No. 88-2016 was tabled by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman, Waltman, President - 7

Nays: None – 0

COUNCIL BUSINESS

Councilor Goodman-Hinnershitz described the positive District 2 Town Hall meeting conducted last Thursday evening.

Councilor Daubert stated that he attended his first Centre Park Holiday House Tour and he was impressed with the beauty of the homes on the tour. He stated that this event is a lovely showcase for the properties in the Centre Park Historic District.

Councilor Twyman thanked community members who provided input to Council this evening. He encouraged more citizens to participate in local government and to work with their representatives on solutions for quality of life issues.

Councilor Marmarou described the successful holiday party organized by the College Heights Community Council on Sunday evening.

Councilor Reed also noted the success of the Centre Park Holiday House Tour. She stated that she volunteers at the event annually. She noted the arrival of her first grandson over the past weekend.

Councilor Slifko thanked the administration, especially the Public Works crews, for their work to decorate City Hall and the downtown. He noted that the decorations are beautiful and fitting. He also thanked the Public Works crews for their diligence to collect the many tons of leaves that are deposited in the City's streets annually.

Council President Waltman reviewed the upcoming Council meeting schedule, noting that the meeting with RAWA to review the lease agreement originally scheduled for tomorrow evening has been cancelled. A new meeting date will be selected in January/February 2017.

Councilor Daubert moved, seconded by Councilor Reed, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

Drafted by	City Clerk/Solicitor
Sponsored by/Referred by	City Clerk/Solicitor
Introduced on	N/A
Advertised on	N/A

RESOLUTION NO. _____2016

AUTHORIZING THE EXONERATION OF PROPERTY TAXES FOR CITY, PENALTIES AND INTEREST FOR THE YEAR 2014 and 2015 FOR 101 WEST WINDSOR STREET AND 822 NORTH FRONT STREET, READING, BERKS COUNTY, PENNSYLVANIA.

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

That the City of Reading City Council does hereby authorize the following for the Islamic Center of Berks County:

1. Exonerating all outstanding City Property Taxes, Penalties and Interest for the years 2014 and 2015 in the amount of \$18776.60 for 101 West Windsor Street, Reading, Berks County, Pennsylvania, owned by the Islamic Society of Berks County with an account number (PIN) of 15530749556206 as the property has been continuously operated as a church since 1903; and
2. Exonerating all outstanding City Property Taxes, Penalties and Interest for the years 2014 and 2015 in the amount of \$1442.76 for 822 North Front Street, Reading, Berks County, Pennsylvania, owned by the Islamic Society of Berks County with an account number (PIN) of 15530757545977, as the parking lot will be open for community parking and not reserved for sole use by the church.

Adopted by Council on _____, 2016

President of Council

Attest:

City Clerk

City Property Tax and Penalties Due

101 W WINDSOR ST

2014 City Tax \$8534.82 Penalty \$853.48= \$9388.30

2015 City Tax \$8534.82 Penalty \$853.48= \$9388.30

822 N FRONT ST

2014 City Tax \$655.80 Penalty \$65.58= \$721.38

2015 City Tax \$655.80 Penalty \$65.58= \$721.38

Stacy A Phile, Director
Berks County Tax Claim Bureau

Berks County Board of Assessment Appeals

2016 EXEMPTION APPEALS FINAL NOTICE October 19, 2015
CITY OF READING Property ID: 15-5307-49-55-6206

Your Real Estate Assessment for 2016 County Tax purposes has been set
by the Board of Assessment Appeals at

	BASE YEAR MARKET VALUE	
	OLD	NEW
LAND:		28,000
BLDG:		516,000
TOTAL:	544,000	544,000

Location: 101 W WINDSOR ST
Acres: .220 Lot:
Deed Bk/Yr: 2013 Pg/Inst: 022735
Description:
EXEMPT BUILDING

FULL EXEMPTION GRANTED
Property Owner:
ISLAMIC SOCIETY OF BERKS CO

PO BOX 4041 PA 19606-0441
READING ISLAMIC SOCIETY OF BERKS CO

Berks County Board of Assessment Appeals

2016 EXEMPTION APPEALS FINAL NOTICE October 19, 2015
 CITY OF READING Property ID: 15-5307-57-54-5977

Your Real Estate Assessment for 2016 County Tax purposes has been set
 by the Board of Assessment Appeals at

BASE YEAR MARKET VALUE	
OLD	NEW
LAND:	35,000
BLDG:	6,800
TOTAL:	41,800

Location: 822 N FRONT ST
 Acres: .290 Lot: Pg/Inst: 022735
 Deed Bk/Yr: 2013
 Description: EXEMPT BUILDING
 DETACHED IMPROVEMENTS

FULL EXEMPTION GRANTED
 Property Owner:
 ISLAMIC SOCIETY OF BERKS CO
 PO BOX 4041
 READING PA 19606-0441
 ISLAMIC SOCIETY OF BERKS CO

**CITY OF READING
BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. ____2016
(Duly Enacted _____2016)**

AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, SIGNIFYING THE INTENTION OF CITY COUNCIL TO ORGANIZE A MUNICIPAL AUTHORITY UNDER THE PROVISIONS OF THE PENNSYLVANIA MUNICIPALITY AUTHORITIES ACT, AS AMENDED AND SUPPLEMENTED, TO BE KNOWN AS THE “READING REGIONAL WATER AUTHORITY”; SETTING FORTH THE FORM OF THE ARTICLES OF INCORPORATION; APPOINTING THE FIRST MEMBERS OF THE BOARD OF THE AUTHORITY AND FIXING THEIR TERM OF OFFICE; DESIGNATING THE PURPOSES FOR SAID AUTHORITY; AUTHORIZING THE EXECUTION AND FILING OF THE ARTICLES OF INCORPORATION; AUTHORIZING THE TAKING OF ALL SUCH ACTION AS MAY BE NECESSARY OR APPROPRIATE TO ORGANIZE SAID AUTHORITY, INCLUDING THE PUBLICATION OF REQUIRED PUBLIC NOTICE; AND CONTAINING CLAUSES FOR SEVERABILITY, REPEAL, AND EFFECTIVE DATE.

WHEREAS, the City of Reading, Berks County, Pennsylvania (the “City”), is empowered to establish, organize, and incorporate an authority pursuant to §5603 of the Pennsylvania Municipality Authorities Act, 53 Pa. C.S.A. § 5601 et seq., Act 22 of 2001, effective June 19, 2001, which codifies and amends the Municipality Authorities Act of 1945, as amended and supplemented (the “Municipality Authorities Act”); and

WHEREAS, in preparation for the passage of this Ordinance, a public hearing was held by the City Council of the City pursuant to notice duly advertised as required by the Municipality Authorities Act.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the City Council of the City and **IT IS HEREBY ORDAINED AND ENACTED** by the authority of the same, as follows:

INTENT. It is the intent of the City Council of the City to organize an authority under provisions of the Municipality Authorities Act.

NAME OF AUTHORITY. The name of the authority shall be the “Reading Regional Water Authority”.

ARTICLES OF INCORPORATION. The proposed Articles of Incorporation of said Reading Regional Water

Authority are as follows:

READING REGIONAL WATER AUTHORITY

ARTICLES OF INCORPORATION

To: The Secretary of the Commonwealth of Pennsylvania.

In compliance with requirements of the Pennsylvania Municipality Authorities Act, 53 Pa. C.S.A. § 5601 et seq., Act 22 of 2001, effective June 19, 2001, which codifies and amends the Municipality Authorities Act of 1945, as amended and supplemented (the “Municipality Authorities Act”), and pursuant to the ordinance enacted by the City Council of the City of Reading, Berks County, Pennsylvania, expressing the intention and desire of the City Council of said municipality to organize a municipality authority under said Municipality Authorities Act, the incorporating municipality does hereby certify:

The name of the Authority is “Reading Regional Water Authority”.

The Authority is formed under provisions of the Pennsylvania Municipality Authorities Act, 53 Pa. C.S.A. § 5601 et seq., Act 22 of 2001, effective June 19, 2001, which codifies and amends the Municipality Authorities Act of 1945, as amended and supplemented, with all powers authorized by said Municipality Authorities Act.

No other authorities have been organized under said Municipality Authorities Act, under the former Act of June 28, 1935 (P.L. 463, No. 191), or under the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipality Authorities Act of 1945”, and is in existence in or for the incorporating municipality, except that the incorporating municipality has heretofore organized (i) the Reading Area Water Authority, (ii) the Reading Regional Airport Authority, (iii) the City of Reading Revitalization and Improvement Zone Authority, (iv) the Reading Downtown Improvement District Authority, and (v) the Berks Area Reading Transportation Authority, as a joint incorporating municipality, each under the provisions of the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipality Authorities Act of 1945”, which authorities are in existence in or for said incorporating municipality.

The name of the incorporating municipality is the City of Reading, Berks County, Pennsylvania.

The names and addresses of the members of the City Council of the City of Reading, the incorporating municipality, are as follows:

<u>OFFICE</u>	<u>NAME</u>	<u>ADDRESS</u>
President	Jeffrey Waltman	723 N 4 th St Street Reading, PA 19601
Vice President	Donna Reed	1525 Argonne Rd Reading, PA 19601

Council Member	Chris Daubert	1135 Gregg Avenue Reading, PA 19607
Council Member	Stratton P. Marmarou	1515 Linden Street Reading, PA 19604
Council Member	Marcia Goodman- Hinnershitz	564 S 15th Reading, PA 19601
Council Member	Brian Twyman	849 N 11 th St Reading, PA 19604
Council Member	John Slifko	919 N 3rd St Reading, PA 19601

The terms of office of the first members of the Board of said Reading Regional Water Authority shall commence on the date of appointment and shall be computed from the first Monday in January of 2015.

The term of existence of the Reading Regional Water Authority shall be for a period of fifty (50) years.

Advertisement of notice of filing these Articles of Incorporation is submitted herewith.

IN WITNESS WHEREOF, the undersigned has executed these Articles on behalf of the City of Reading, Berks County, Pennsylvania, and has caused to be affixed the seal and attested this _____ day of _____ 2016.

**CITY OF READING
BERKS COUNTY, PENNSYLVANIA**

By: _____
Wally Scott, Mayor

Attest: _____
Linda A. Kelleher CMC, City Clerk

COMMONWEALTH OF PENNSYLVANIA :
 : SS.
COUNTY OF BERKS :

On this ____ day of _____, 2014, before me a Notary Public in and for said Commonwealth, personally appeared the above named Vaughn Spencer and Linda A. Kelleher, who stated that their official positions in the City of Reading are, respectively, the Mayor and City Clerk of the City of Reading, and who, in due form of law, acknowledged the foregoing Articles of Incorporation to be the act and deed of said City of Reading for the purposes therein specified.

Notary Public

NOTARIAL SEAL

My Commission Expires: _____

MEMBERS. The first members of the Board of said Reading Regional Water Authority, shall be specifically appointed members of said Board for the terms set commencing on the date of appointment and computed from the first Monday in January, 2017.

AUTHORITY TO EFFECT THE INCORPORATION OF THE AUTHORITY. The Mayor of the City is hereby authorized and directed to execute the Articles of Incorporation of the proposed Reading Regional Water Authority in substantially the form set forth in this Ordinance, and the City Clerk of the City is hereby authorized and directed to attest the same and to affix thereto the seal of the City. Such officers are authorized and directed to execute and deliver such other documents, agreements, certificates and instruments, and to do all acts necessary or appropriate to effect the incorporation of the proposed Reading Regional Water Authority, including, but not limited to, to cause notice of the substance of this Ordinance, including the substance of the foregoing Articles of Incorporation, and the proposed filing of such Articles of Incorporation, to be published as required by the Municipality Authorities Act.

The Mayor of the City and the City Clerk of the City are authorized and directed to file such Articles of Incorporation and the necessary proofs of publication with the Secretary of the Commonwealth of Pennsylvania and to do all other things necessary to effect the incorporation of the Reading Regional Water Authority, including payment of the required filing fees.

PURPOSES AND PROJECTS AUTHORIZED. The Reading Regional Water Authority shall have all the purposes, powers, and rights, as provided by the Municipality Authorities Act; provided, however, that the Authority shall be prohibited, without prior approval of City Council , from (a) undertaking any project which is not related to waterworks, water supply works or water distribution systems and (b) undertaking any project, whether or not related the waterworks, water supply works or water distribution systems, which involves the incurrence of any long term debt.

SEVERABILITY. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this City that such remainder shall be and shall remain in full force and effect.

REPEALER. All ordinances or parts of ordinances inconsistent with this Ordinance shall be and the same expressly are repealed.

EFFECTIVE DATE. This Ordinance shall take effect upon its advertisement and enactment as required by law.

DULY ENACTED, THIS ____ DAY OF _____, 2016, BY THE COUNCIL OF CITY OF

READING, BERKS COUNTY, PENNSYLVANIA, IN LAWFUL SESSION DULY ASSEMBLED.

Attest:

CITY OF READING
Berks County, Pennsylvania

Linda A. Kelleher CMC, City Clerk

By: _____
Jeffrey Waltman, President of Council

(SEAL)

Drafted by City Clerk/Asst. Solicitor
Referred by City Clerk/Asst. Solicitor
Introduced on August 8, 2016
Advertised on August 9, 2016

BILL NO. ____ 2016

AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF THE ZONING ORDINANCE, AS CODIFIED AS CHAPTER 600 OF THE CITY CODE, AND PARTICULARLY PROVIDING FOR THE REPEAL AND REPLACEMENT OF §600-2100 TELECOMMUNICATIONS TOWERS AND ANTENNA; AMENDING PORTIONS OF §600-800 DISTRICTS, §600-1202 SPECIAL EXCEPTIONS REPEALING TELECOMMUNICATIONS, SECTION §600-1203 CONDITIONAL USE ADDING TELECOMMUNICATIONS AND §600-2200 DEFINITIONS RELATING TO THE LOCATION, PLACEMENT, CONSTRUCTION AND MAINTENANCE OF TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES AND NON-TOWER WIRELESS COMMUNICATION FACILITIES; PROVIDING FURTHER FOR THE REGULATION OF SUCH FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY AND OUTSIDE THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THE ENFORCEMENT OF SAID REGULATIONS; SAVING CERTAIN PROVISIONS FROM REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, be it, and it is hereby ORDAINED by the City of Reading City Council County, Commonwealth of Pennsylvania, and it is hereby ENACTED and ORDAINED by authority of same as follows:
Findings of Fact.

By enacting this Ordinance, the City intends to:

- a. Promote the health, safety and welfare of City residents and businesses with respect to wireless communications facilities;
- b. Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both City residents and wireless carriers in accordance with federal and state laws and regulations;
- c. Establish procedures for the design, siting, construction, installation, maintenance and removal of both tower-based and non-tower based wireless communications facilities in the City, including facilities both inside and outside the public rights-of-way;
- d. Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable wi-fi and other wireless communications facilities;
- e. Encourage the co-location of wireless communications facilities on existing structures rather than the construction of new tower-based structures;

- f. Protect City residents from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape; and
- g. Update the City's wireless facilities regulations to incorporate changes in federal and state laws and regulations.

SECTION I. Short Title.

This Ordinance shall be known as the "City of Reading Wireless Communications Facilities Ordinance."

SECTION II. Amending Chapter 600-800 Districts as follows:

§ 600-810. C-H Commercial Highway District.

A. Dimensional requirements. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

B. Allowed uses.

(1) Permitted-by-right uses: [Amended 2-14-2011 by Ord. No. 8-2011 Editor's Note:

Amended during codification (see Ch. 1, General Provisions, Part 2).]

Banks and financial institutions, including drive-through

Beverage distributors, beer and soft drinks

Car wash

College or university, not including residential uses, unless such dwellings meet the requirements for a dwelling occupied by a "family"

Convenience stores, with or without auto fuel sales

Emergency health-care facility/office

Exercise clubs

Fire and ambulance station

Funeral homes

Gardens, crop farming and forestry

Home and garden supply centers

Laundromats

Miniature golf course

Motels and hotels

Municipal uses

Nursing homes or personal-care centers

Offices

Parking lots and structures

Passenger terminal facilities

Personal service businesses

Radio and television stations

Recreational facilities, public parks and non-motorized recreation trails

Residential uses: the same residential uses shall be allowed as are allowed in the R-3 District

Restaurants, including eat-in, takeout, drive-through service. This use shall not allow outdoor sale of ready-to-eat heated food on a regular basis on a lot that is not operated from a building on the lot.

Retail stores which may include drive-through facilities
Social clubs and associations, PLCB and non-PLCB licensed. Such use shall not be open between the hours of 12:00 midnight and 11:00 a.m. For any use that also meets the definition of a BYOB, Chapter 127, Part 3 (§§ 127-301 to 127-308), and § 127-202 shall also be met.
Taxi headquarters
Temporary employment agencies and service
Vehicle sales or rental
Veterinary hospitals
Wholesale sales and services

(2) Accessory uses. See Part 10 unless otherwise noted.

- (a) Amusement devices: pursuant to § 600-1010 of this chapter.
- (b) Drive-through services: pursuant to § 600-1004 of this chapter.
- (c) Entertainment: pursuant to § 600-1005.
- (d) Home occupations, major or minor: see § 600-1006.
- (e) Off-site parking areas: pursuant to § 600-1008.
- (f) Telecommunications ***non-tower*** antenna ***if co-located on a municipal facility or a tower that existed prior to the approval of this part and pursuant to Part 21 of this chapter. See § 600-2106.***

(3) Conditional uses. In compliance with § 600-1203.

- (a) Banquet hall.
- (b) Bottle clubs.
- (c) Group institution.
- (d) Public utilities.
- (e) Taverns and nightclubs.
- (f) Treatment center.
- (g) ***Telecommunications towers and facilities, including poles subject to Part 21 of this chapter***

(4) Special exception uses. In compliance with § 600-1202.

- (a) Adaptive reuse.
- (b) Amusement arcade.
- (c) Auto service stations or auto repair.
- (d) Day-care facilities.
- (e) Manufactured/mobile home park.
- (f) Pawn shop.
- (g) Place of worship.
- (h) Surface parking facility.
- ~~(i) Telecommunications towers and facilities pursuant to Part 21 of this chapter.~~
- ~~(j) Vehicle fuel sales.~~

§ 600-811. M-C Manufacturing Commercial District.

A. Dimensional requirements. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

B. Allowed uses.

(1) Permitted-by-right uses. [Amended 2-14-2011 by Ord. No. 8-2011]

Manufacture or industrial processing within an enclosed building involving the following: (as listed on the North American Industrial Classification System, as applicable)

Assembly and packaging

Electronic and electrical equipment

Fabricated metals products

Food and beverage products

Leather and leather products (not including curing, tanning and finishing of hides)

Machinery

Medical and scientific equipment and related products

Motor freight transportation and warehousing

Non-PUC telecommunications facilities

Paper and allied products (other than raw paper pulp)

Petroleum and coal products, other than asphalt manufacture or petroleum refining

Pottery and ceramics

Primary metals industries

Railroad transportation

Research and development facilities

Rubber, synthetic rubber, resins and miscellaneous products

Sporting goods, toys, jewelry

Stone, clay and glass products

Textiles and apparel

Tobacco products

Transportation equipment

Transportation and public utilities

Wood products and furniture

Auto repair and car washes, in compliance with § 600-1105

Banks and financial institutions

College or university, not including residential uses

Convenience stores with fuel sales

Employee agencies and services

Exercise club

Fire and ambulance stations

Flex space buildings that include one or more permitted-by-right business uses

Gardens, crop farming and forestry

Lumber and building material supply center, retail or wholesale

Municipal uses

Offices and medical laboratories

Radio and television stations

Recreation facilities, public parks and non-motorized recreation trails

Restaurants, which may not include drive-through service. This use shall not allow outdoor sale of ready-to-eat heated food on a regular basis on a lot that is not operated from a building on the lot.

Retail and wholesale sales and services

Self-storage facilities

Swimming pool as principal use

Taxi headquarters

~~Telecommunications towers and facilities, pursuant to Part 21 of this chapter.~~

Facilities may be placed on a leased area.

Trade, vocational and hobby schools, not including residential uses

Vehicle sales or rental

Warehouse, distribution and storage facilities

(2) Accessory uses. See Part 10, unless otherwise noted.

(a) Drive-through services for allowed principal uses: pursuant to § 600-1004 of this chapter.

(b) Entertainment: pursuant to § 600-1005 of this chapter.

(c) Swimming pools, accessory.

(d) Telecommunications *non-tower* antenna *if co-located on a municipal facility or a tower that existed prior to the approval of this part and pursuant to Part 21 of this chapter. See § 600-2106.*

(e) Wind turbine as an accessory use in compliance with § 600-1012.

(3) Conditional uses. In compliance with § 600-1203.

(a) Banquet hall.

(b) Public utilities, other than City-owned or City-operated uses and other than utility lines.

(c) Taverns and nightclubs.

(d) Telecommunications antenna, towers and facilities, including poles, subject to Part 21 of this chapter.

(4) Special exception uses. In compliance with § 600-1202.

(a) Day-care facilities.

(b) Kennels.

(c) Manufacture or industrial processing of chemicals and allied products.

(d) Manufacture of plastics and polymers.

C. Additional requirements.

(1) A minimum of 10% of the lot shall be devoted to areas landscaped with trees and shrubs and vegetative ground cover. This area shall not be used for any other purpose.

(2) All activities shall take place indoors; all outdoor storage shall be screened from public streets and adjacent off-street parking areas by fencing, landscaping or other appropriate measures.

(3) Landscaped buffer strips, meeting Part 14 with a minimum of 10 feet wide in M-C Zones and 25 feet wide in H-M Zones, and plant screening shall be provided in every case where an industrial use abuts a principally residential use. In addition, where a residential district is located across a street or alley from a new or expanded industrial use, a ten-foot wide landscaped buffer strip shall be provided alongside such street or alley along such adjacent front, side or rear lot line.

(4) Truck loading and unloading areas shall be provided in an amount sufficient to permit

the transfer of goods in other than a public street or front yard setback areas.

(5) Entrance and exit to permitted uses shall be clearly marked.

(6) Any glare, vibration or noise resulting from the use shall not be evident beyond the boundaries of the zoning district.

(7) The operation shall not result in the dissemination of smoke, dust, chemicals or odors into the air to such a degree as to be detrimental to the health, safety and welfare of any adjacent residents.

(8) Wind turbines shall be allowed that are attached to a roof of a building and do not extend a total of more than 25 feet above the roof of the building.

(9) A minimum seventy-five-foot setback shall apply from the average water level of the Schuylkill River for any new or expanded vehicle parking, outdoor storage area or building. This requirement shall not apply for recreational uses open for free for use by the general public.

§ 600-812. H-M Heavy Manufacturing District.

A. Dimensional requirements. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

B. Allowed uses.

(1) Permitted-by-right uses:

(a) Manufacturing or industrial processing involving the following: (as listed in the North American Industrial Classification System, where applicable)

- [1] Assembly and packaging.
- [2] Electronic and electrical equipment.
- [3] Fabricated metals products.
- [4] Food and beverage products.
- [5] Instruments and related products.
- [6] Leather and leather products.
- [7] Machinery.
- [8] Paper and allied products.
- [9] Petroleum and coal products, other than asphalt.
- [10] Primary metals industries.
- [11] Railroad transportation.
- [12] Rubber, synthetic rubber, resins and miscellaneous products.
- [13] Stone, clay and glass products.
- [14] Textile and apparel products.
- [15] Tobacco products.
- [16] Transportation equipment.
- [17] Transportation and public utilities.
- [18] Wood products and furniture.

(b) Banks and financial institutions.

(c) College or university, not including residential uses.

(d) Exercise clubs.

(e) Fire and ambulance station.

- (f) Flex space buildings, including two or more permitted business uses.
- (g) Gardens, crop farming and forestry.
- (h) Landing area for a helicopter, provided it meets requirements of State and Federal Aviation Agencies.
- (i) Municipal uses.
- (j) Offices.
- (k) Radio and television stations.
- (l) Recreation facilities, public parks and non-motorized recreation trails.
- (m) Research and development facilities.
- (n) Self-storage facilities.
- ~~(o) Telecommunications facilities other than towers and antennas. Lot size may be reduced to 2,500 square feet when on leased parcel, provided the structure may not be located in setback areas.~~
- ~~(p) Telecommunications towers and antennas pursuant to Part 21 of this chapter. For accessory antenna, see § 600-2106C(3).~~
- ~~(q) Trade, vocational and hobby schools, not including residential uses.~~
- ~~(r) Warehousing, storage, distribution, trucking or intermodal transfer facilities.~~
- ~~(s) Wind turbine as an accessory use in compliance with § 600-1012.~~

(2) Accessory uses. See Part 10 unless otherwise noted.

- (a) Telecommunications ***non-tower*** antenna ***if co-located on a municipal facility or a tower that existed prior to the approval of this part and pursuant to Part 21 of this chapter. See § 600-2106.***

(3) Conditional uses. See § 600-1203.

- (a) Group institution.
- (b) Junkyard.
- (c) Manufactured home parks.
- (d) Massage parlor (not including "massage therapy"), which shall meet the same regulations as a sexually oriented business, in addition to the City of Reading Code requirements.
- (e) Sexually oriented business: pursuant to § 600-1203.
- (f) Temporary shelter.
- (g) Treatment center.
- (h) Telecommunications antenna, towers and facilities, including poles, pursuant to Part 21 of this chapter.***

(4) Special exception uses:

- (a) Manufacture of plastics and polymers.
- (b) Manufacture and industrial processing of chemicals and allied products.
- (c) Manufacture of asphalt.
- (d) Solid waste transfer facility.
- (e) Such other manufacturing and industrial uses as the applicant proves to the satisfaction of the Zoning Hearing Board will be similar to allowed uses and will not create hazards to public health and safety.

C. Additional requirements. Section 600-811C shall also apply to the H-M District.

§ 600-816. MU Municipal District.

A. Dimensional requirements. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

B. Allowed uses.

(1) Permitted-by-right uses:

- (a) Wastewater treatment operations.
- (b) Law enforcement operations.
- (c) Firefighting and rescue service operations.
- (d) Recycling operations.
- (e) Multiple principal uses and occupancies on single parcels within the Municipal Use District are expressly authorized; where common (City) ownership makes subdivision otherwise unnecessary; "area and bulk" standards shall apply to the property as a whole. The adequacy of separations between uses shall be established by agreement between the City's representative and a qualified design professional, and to the satisfaction of the incumbent tenants and their continuing operations. Municipal use parcels are not required to front on a public street, though sufficient (driveway) access must nonetheless be provided.
- (f) Governmental offices and public works facilities.
- (g) Public recreation facilities.
- (h) Non-motorized recreation trails.

(2) Accessory uses. See Part 10 unless otherwise noted.

(a) Telecommunications *non-tower* antenna *if co-located on a municipal facility or a tower that existed prior to the approval of this part and pursuant to Part 21 of this chapter*. See § 600-2106.

(3) *Conditional Permit uses:*

(a) *Telecommunications towers, antennas and facilities, including poles, pursuant to Part 21 of this chapter.*

SECTION III. Amending Chapter 600-2206 Telecommunications Definitions by adding the following:

1. *Antenna*—any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An Antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include Tower-Based Wireless Communications Facilities defined below. .
2. *Co-location*—the mounting of one or more WCFs, including Antennae, on an existing Tower-Based WCF or utility or light pole.
3. *Distributed Antenna Systems (DAS)*—network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.

4. *Emergency*--a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the Rights-of-Way to be unusable and result in loss of the services provided.
5. *FCC*—Federal Communications Commission.
6. *Monopole*—a WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications Antennae and connecting appurtenances.
7. *Non-Tower Wireless Communications Facility (Non-Tower WCF)*—all non-tower wireless communications facilities, including but not limited to, Antennae and related equipment. Non-Tower WCF shall not include support structures for Antennae and related equipment.
8. *Persons*—individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided that Person does not include or apply to the City or to any department or agency of the City.
9. *Right-of-Way or ROW*—the surface of and space above and below any real property in the City in which the City or Commonwealth has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all Streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the City or Commonwealth, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for Utility purposes, but excluding lands other than Streets that are owned by the City or Commonwealth. The phrase “in the Right(s)-of-Way” means in, on, over, along, above and/or under the Right(s)-of-Way.
10. *Stealth Technology*—camouflaging methods applied to wireless communications towers, Antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, flag poles and light poles.
11. *Substantially Change*—(1) any increase in the height of a Wireless Support Structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed Wireless Communications Facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or (2) any further increase in the height of a Wireless Support Structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.

12. *Tower-Based Wireless Communications Facility (Tower-based WCF)*—any structure that is used for the purpose of supporting one or more Antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be tower-based WCFs.
13. *City*—City of Reading, Berks County, PA
14. *Wireless*—transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.
15. *Wireless Communications Facility (WCF)*—the Antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.
16. *Wireless Communications Facility Applicant (WCF Applicant)*—any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public ROW or other City owned land or property.
17. *Wireless Support Structure*—a freestanding structure, such as a Tower-Based Wireless Communications Facility or any other support structure that could support the placement or installation of a Wireless Communications Facility if approved by the City.

SECTION IV. Repealing and replacing §600-2100 Telecommunications Towers and Antenna as follows:

§600-2101 Purpose and Scope.

- A. The purpose of this Ordinance is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities in City of Reading. While the City recognizes the importance of wireless communications facilities in providing high quality communications service to its residents and businesses, the City also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.

§600-2102. General Requirements for All Tower-Based Wireless Communications Facilities.

The following regulations shall apply to all Tower-Based Wireless Communications Facilities:

1. Standard of Care. Any Tower-Based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower-Based WCF shall at all times be kept and maintained in good condition, order and

repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.

2. Wind. Any Tower-Based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).
3. Height. Any Tower-Based WCF shall be designed at the minimum functional height and shall not exceed a maximum total height of one hundred fifty (150) feet, which height shall include all subsequent additions or alterations. All Tower-Based WCF applicants must submit documentation to the City justifying the total height of the structure.
4. Public Safety Communications. No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
5. Maintenance. The following maintenance requirements shall apply:
 - a. Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the City's residents.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
6. Radio Frequency Emissions. No Tower-Based WCF may, by itself or in conjunction with other WCF's, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.
7. Historic Buildings or Districts. No Tower-Based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or the official historic structures and/or historic districts list maintained by the City, or has been designated by the City as being of historic significance.
8. Identification. All Tower-Based WCF's shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the City.
9. Lighting. Tower-Based WCF shall not be artificially lighted, except as required by law and as may be approved by the City. If lighting is required, the applicant shall provide a detailed plan for sufficient

lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

10. Appearance. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.
11. Noise. Tower-Based WCF's shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the City Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
12. Aviation Safety. Tower-Based WCF's shall comply with all federal and state laws and regulations concerning aviation safety.
13. Retention of Experts. The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities prior to the issuance of any zoning permit.
14. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the City, the City shall notify the applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCF's shall be acted upon within one hundred-fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the City shall advise the applicant in writing of its decision. If additional information was requested by the City to complete an application, the time required by the applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.
15. Non-Conforming Uses. Non-conforming Tower-Based WCF's which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Ordinance.
16. Removal. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - a. All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the City.
 - b. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the City, the WCF and

accessory facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF.

- c. Any unused portions of Tower-Based WCFs, including Antennas, shall be removed within six (6) months of the time of cessation of operations. The City must approve all replacements of portions of a Tower-Based WCF previously removed.

17. Permit Fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a Tower-Based WCF, as well as related inspection, monitoring and related costs. The Fee Schedule is located in Chapter 212.

§600-2103 Tower-Based Facilities Outside the Rights-of-Way

A. The following regulations shall apply to Tower-Based Wireless Communications Facilities located outside the Rights-of-Way:

1. Development Regulations:

- a. Prohibited in Residential Zones. No Tower-Based WCF shall be located in a district zoned residential or within 500 feet of a lot in residential use or a residential district boundary. Tower-Based WCF's are permitted only by Conditional Use in such districts as specified in §600- 800 Districts – sections 810, 811, 812, 816.
- b. Gap in Coverage. An applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the City's decision on an application for approval of Tower-Based WCF's.
- c. Sole Use on a Lot. A Tower-Based WCF is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district in Section 600-800.
- d. Combined with Another Use. A Tower-Based WCF may be permitted on a property with an existing use or on a vacant parcel in combination with another industrial, commercial, institutional or municipal use, subject to the following conditions:
 - i. The existing use on the property may be any permitted use in the applicable district as per Section 600-800, and need not be affiliated with the communications facility.
 - ii. Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the Tower-Based WCF and guy wires, the equipment building, security fence, and buffer planting.
 - iii. Minimum Setbacks. The Tower-Based WCF and accompanying equipment building shall comply with the requirements for the applicable zoning district, provided that no

Tower-Based WCF shall be located within five hundred (500) feet of a lot in residential use or a residential district boundary.

2. Notice. Upon receipt of an application for a Tower-Based WCF, the City shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the parcel or property of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility if the application will be heard as a Conditional Use or a Variance.
3. Co-Location. An application for a new Tower-Based WCF shall not be approved unless the City finds that the wireless communications equipment planned for the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building. Any application for approval of a Tower-Based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the City that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
4. Design Regulations:
 - a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the City.
 - b. Any height extensions to an existing Tower-Based WCF shall require prior approval of the City. The City reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the City.
 - c. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's Antennas and comparable Antennae for future users.
5. Surrounding Environs:
 - a. The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
 - b. The WCF applicant shall submit a soil report to the City complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA 222-E, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.
6. Fence/Screen:

- a. A security fence having a maximum height of six (6) feet shall completely surround any Tower-Based WCF, guy wires, or any building housing WCF equipment.
- b. An evergreen screen that consists of a hedge, or a row of evergreen trees shall be located along the perimeter of the security fence.
- c. The WCF applicant shall submit a landscape plan for review and approval by the City Planning Commission for all proposed screening.

7. Accessory Equipment:

- a. Ground-mounted equipment associated to, or connected with, a Tower-Based WCF shall be underground. In the event that an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the City Engineer, then the ground mounted equipment shall be screened from public view using Stealth Technologies, as described above.
- b. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

8. Additional Antennae. As a condition of approval for all Tower-Based WCFs, the WCF applicant shall provide the City with a written commitment that it will allow other service providers to co-locate Antennae on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional Antennae without obtaining the prior written approval of the City.
9. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the City that the property owner has granted an easement for the proposed facility.
10. Bond. Prior to the issuance of a permit, the owner of a Tower-Based WCF outside the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond or other form of security acceptable to the City Solicitor, in an amount of \$100,000 to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the City may recover from the principal and surety any and all compensatory damages incurred by the City for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file the bond with the City.
11. Visual or Land Use Impact. The City reserves the right to deny an application for the construction or placement of any Tower-Based WCF based upon visual and/or land use impact.

12. Inspection. The City reserves the right to inspect any Tower-Based WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

§600-2104 Tower-Based Facilities in the Rights-of-Way

- A. The following regulations shall apply to Tower-Based Wireless Communications Facilities located in the Rights-of-Way:
 1. Prohibited in Residential Zones. No Tower-Based WCF shall be located within a residential zone or within 500 feet of a lot in residential use or a residential district boundary. Tower-Based WCF's are only permitted in such districts as specified in §600-800 Districts, sections 810, 811, 812 and 816.
 2. Gap in Coverage. An applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the City's decision on an application for approval of Tower-Based WCF's in the ROW.
 3. Notice. Upon receipt of an application for a Tower-Based WCF, the City shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the property or parcel of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility if the application will be heard as a Conditional Use or a Variance.
 4. Co-location. An application for a new Tower-Based WCF in the ROW shall not be approved unless the City finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a Tower-Based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a one-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the City that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
 5. Time, Place and Manner. The City shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCF's in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the City and the requirements of the Public Utility Code.
 6. Equipment Location. Tower-Based WCF's and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards

to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the City. In addition:

- a. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb;
- b. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the City.
- c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the City.
- d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
- e. Any underground vaults related to Tower-Based WCF's shall be reviewed and approved by the City.

7. Design Regulations.

- a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the City.
- b. Any height extensions to an existing Tower-Based WCF shall require prior approval of the City, and shall not increase the overall height of the Tower-Based WCF to more than one hundred fifty (150) feet. The City reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the City.
- c. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's Antennas and comparable Antennae for future users.

8. Visual or Land Use Impact. The City reserves the right to deny the construction or placement of any Tower-Based WCF in the ROW based upon visual and/or land use impact.

9. Additional Antennae. As a condition of approval for all Tower-Based WCFs in the ROW, the WCF applicant shall provide the City with a written commitment that it will allow other service providers to co-locate Antennae on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional Antennae without obtaining the prior written approval of the City.

10. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of Tower-Based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the City, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- a. The construction, repair, maintenance or installation of any City or other public improvement in the Right-of-Way;
 - b. The operations of the City or other governmental entity in the Right-of-Way;
 - c. Vacation of a street or road or the release of a utility easement; or
 - d. An Emergency as determined by the City.
11. Compensation for ROW Use. In addition to permit fees as described in Section §600-2102.17 above, every Tower-Based WCF in the ROW is subject to the City's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the City's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the City. The owner of each Tower-Based WCF shall pay an annual fee to the City to compensate the City for the City's costs incurred in connection with the activities described above. The Annual ROW management fee for Tower-Based WCF's shall be determined by the City and authorized by ordinance and shall be based on the City's actual ROW management costs as applied to such Tower-Based WCF.
12. Bond. Prior to the issuance of a permit, the owner of a Tower-Based WCF in the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the City Solicitor, in an amount of \$100,000 to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the City may recover from the principal and surety any and all compensatory damages incurred by the City for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the City.

§600-2105 General Requirements for All Non-Tower Wireless Communications Facilities

- A. The following regulations shall apply to all Non-Tower Wireless Communications Facilities that do not substantially change the physical dimensions of the Wireless Support Structure to which they are attached:
- 1. Permitted in All Zones Subject to Regulations. Non-Tower WCF's are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the City.

2. Upon receipt of an application for any Non-Tower-Based WCF, the City shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the parcel or property of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility if the application will be heard as a Conditional Use or a Variance.
3. Standard of Care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.
4. Wind. Any Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).
5. Public Safety Communications. No Non-Tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
6. Aviation Safety. Non-Tower WCF's shall comply with all federal and state laws and regulations concerning aviation safety.
7. Radio Frequency Emissions. No Non-Tower WCF may, by itself or in conjunction with other WCF's, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.
8. Removal. In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - a. All abandoned or unused WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the City.
 - b. If the WCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the City, the WCF and/or associated facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF.

9. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the City, the City shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the City to complete an application, the time required by the applicant to provide the information shall not be counted toward the City's ninety (90) day review period.
 10. Permit Fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a Non-Tower WCF or \$1,000, whichever is less.
- B. The following regulations shall apply to all Non-Tower Wireless Communications Facilities that Substantially Change the Wireless Support Structure to which they are attached:
1. Permitted in All Zones Subject to Regulations. Non-Tower WCF's are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the City.
 2. Upon receipt of an application for any Non-Tower-Based WCF, the City shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the parcel or property of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility if the application will be heard as a Conditional Use or a Variance.
 3. Standard of Care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.
 4. Wind. Any Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA-222-E Code, as amended).
 5. Public Safety Communications. No Non-Tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

6. Historic Buildings. Non-Tower WCFs may not be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or the official historic structures and/or historic districts lists maintained by the City or has been designated by the City as being of historic significance.
7. Aviation Safety. Non-Tower WCF's shall comply with all federal and state laws and regulations concerning aviation safety.
8. Maintenance. The following maintenance requirements shall apply:
 - a. The Non-Tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the City's residents.
 - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
9. Radio Frequency Emissions. No Non-Tower WCF may, by itself or in conjunction with other WCF's, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.
10. Removal. In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - a. All abandoned or unused WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the City.
 - b. If the WCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the City, the WCF and/or associated facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF.
11. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the City, the City shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the City to complete

an application, the time required by the applicant to provide the information shall not be counted toward the City's ninety (90) day review period.

12. Retention of Experts. The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities prior to the issuance of the zoning permit.
13. Bond. Prior to the issuance of a permit, the owner of each individual Non-Tower WCF shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the City Solicitor, in an amount of \$25,000 for each individual Non-Tower WCF, to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the City may recover from the principal and surety any and all compensatory damages incurred by the City for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the City.
14. Permit Fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a Non-Tower WCF, as well as related inspection, monitoring and related costs. The Fee Schedule is located in Chapter 212.

§600-2105 Non-Tower Wireless Facilities Outside the Rights-of-Way

The following additional regulations shall apply to Non-Tower Wireless Communications Facilities located outside the Rights-of-Way that Substantially Change the Wireless Support Structure to which they are attached:

1. Development Regulations. Non-Tower WCFs shall be co-located on existing structures, such as existing buildings or Tower-Based WCF's subject to the following conditions:
 - a. Such WCF does not exceed a maximum height of one hundred fifty (150) feet.
 - b. If the WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
 - c. A six (6) foot high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
2. Design Regulations.

- a. Non-Tower WCFs shall employ Stealth Technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the City.
- b. Non-Tower WCFs, which are mounted to a building or similar structure, may not exceed a height of fifteen (15) feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a conditional use permit.
- c. All Non-Tower WCF applicants must submit documentation to the City justifying the total height of the Non-Tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
- d. Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.
- e. Non-Commercial Usage Exemption. The design regulations enumerated in this Section shall not apply to direct broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.

3. Removal, Replacement, Modification.

- a. The removal and replacement of Non-Tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of Antennae.
 - b. Any material modification to a wireless telecommunication facility shall require a prior amendment to the original permit or authorization.
4. Visual or Land Use Impact. The City reserves the right to deny an application for the construction or placement of any Non-Tower WCF based upon visual and/or land use impact.
5. Inspection. The City reserves the right to inspect any WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

§600-2106 Non-Tower Wireless Facilities in the Rights-of-Way

A. The following additional regulations shall apply to all Non-Tower Wireless Communications Facilities located in the Rights-of-Way:

1. Co-location. Non-Tower WCFs in the ROW shall be co-located on existing poles, such as existing utility poles or light poles.
2. Design Requirements :
 - a. WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - b. Antennae and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
3. Compensation for ROW Use. In addition to permit fees as described above, every Non-Tower WCF in the ROW is subject to the City's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the City's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the City. The owner of each Non-Tower WCF shall pay an annual fee to the City to compensate the City for its costs incurred in connection with the activities described above. The Annual ROW management fee for Non-Tower WCF's shall be determined by the City and authorized by ordinance and shall be based on the City's actual ROW management costs as applied to such Non-Tower WCF.
4. Time, Place and Manner. The City shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower WCF's in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the City and the requirements of the Public Utility Code.
5. Equipment Location. Non-Tower WCF's and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the City. In addition:
 - a. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb;
 - b. Ground-mounted equipment shall be located underground. In the event an applicant can demonstrate, to the satisfaction of the City Engineer or his designee, that ground-mounted equipment cannot be installed underground, then all such equipment shall be screened, to the

fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the City.

- c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the City.
 - d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
 - e. Any underground vaults related to Non-Tower WCF's shall be reviewed and approved by the City.
6. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the City, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- a. The construction, repair, maintenance or installation of any City or other public improvement in the Right-of-Way;
 - b. The operations of the City or other governmental entity in the Right-of-Way;
 - c. Vacation of a street or road or the release of a utility easement; or
 - d. An Emergency as determined by the City.
7. Visual or Land Use Impact. The City retains the right to deny an application for the construction or placement of a Non-Tower WCF based upon visual and/or land use impact.

§600-2107 Violations Applicable to All Wireless Facilities

- 1. Penalties. Any Person violating any provision of this Ordinance shall be subject, upon finding by a magisterial district judge, to a penalty not exceeding five hundred dollars (\$500), for each and every offense, together with attorneys' fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this Ordinance and any other remedy at law or in equity, the City may apply to a Federal District Court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this Ordinance.
- 2. Determination of Violation. In the event a determination is made that a Person has violated any provision of this Ordinance, such Person shall be provided written notice of the determination and the reasons therefore. Except in the case of an Emergency, the Person shall have thirty (30) days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the

City may, in its reasonable judgment, extend the time period to cure, provided the Person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the City may take any and all actions authorized by this Ordinance and/or federal and/or Pennsylvania law and regulations.

SECTION V. Amending §600-1203 Conditions for Conditional Use by adding Telecommunications Facility, Towers and Antenna as follows:

§600-1203. Conditions for conditional uses.

N. Telecommunications facility, towers and antenna (*Note see §600-800, 2100 and 2206*)

- (1) The applicant shall present a plan showing the following items:
 - (a) Locations of all existing uses and proposed telecommunications facilities
 - (b) Elevations of any existing uses and proposed telecommunications facilities
 - (c) Vehicular access, fencing and any easements for access and utilities
 - (d) The locations desired with two (2) alternative locations
- (2) The telecommunications facility shall comply with all State and Federal laws and regulations concerning aviation safety.
- (3) The applicant shall provide Stealth Technology to camouflage the proposed facility to make them more visually appealing and blend the proposed facility to render it minimally visible to the casual observer defined.
- (4) The City may retain the assistance of a consultant and/or expert to assist in the review and evaluation of the application. The applicant shall be responsible for all costs charged by the consultant and/or expert in connection with these activities. All associated fees and costs must be paid to the City prior to the issuance of the zoning permit, if the application is approved.
- (5) If additional information is requested by the City or the consultant/and or expert from the applicant, the time required by the applicant to provide the additional information shall not be counted toward the 150 day review period.

SECTION VI. Amending Section §600-1202 Special Exceptions by eliminating telecommunication towers and renumbering the section as required as follows:

§ 600-1202. Conditions for special exception uses.

- A. Adaptive reuse.
- B. Bed-and-breakfast inn.
- C. Cemeteries. Cemeteries shall be allowed as provided in Part 8 and shall meet the following standards:
- D. Day-care facilities.
- E. Colleges, universities, primary and secondary schools and trade/hobby schools.
- F. Amusement arcade.
- G. Home occupations, major.
- H. Hospitals and centers for the care of children.
- I. Kennels.
- J. Life-care retirement facility and nursing home.
- K. Nursing homes. See "life-care retirement facility and nursing home" in this section.

L. Parks, playgrounds and public buildings. This term includes parks and playgrounds operated by the federal, state or local government or nonprofit organizations as well as public buildings operated by governmental agencies.

M. Pawn shops.

N. Places of worship. The proposed use shall be a bona fide nonprofit religious use.

O. Private surface parking facilities (lot or structure).

P. Swimming pools as a principal use.

~~Q. Telecommunications towers and facilities. Telecommunications towers and facilities shall be allowed as provided in the zoning district regulations, provided they meet the standards outlined in Part 21 of this chapter in addition to any stipulations set forth by the Zoning Hearing Board. See § 600-2106C(3) for antenna attached to a building.~~

SECTION VII. Miscellaneous

1. Police Powers. The City, by granting any permit or taking any other action pursuant to this Chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the City under applicable federal, state and local laws and regulations.
2. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Chapter invalid.
3. Effective Date. This Ordinance shall become effective ten (10) days after enactment by the City Council.

ENACTED AND ORDAINED this ____ day of _____, 2016.

ATTEST:

City Clerk

Council President

Submitted to Mayor by: _____

Date Submitted: _____

Received in Mayor's Office by: _____

Date Received: _____

Approved by Mayor: _____

Date Approved: _____

Vetoed by Mayor: _____

Date Vetoed: _____

Drafted by: Council Staff
Sponsored by/ Referred by: Board of Ethics
Introduced on: November 28, 2016
Advertised on: December 5, 2016

BILL NO. _____-2016

A N O R D I N A N C E

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, CHAPTER 5 ADMINISTRATIVE CODE, PART 10 CODE OF ETHICS, SECTION 5-1004 STATEMENT OF FINANCIAL INTERESTS BY CLARIFYING WHO MUST FILE AND SECTION 5-1009 COMPLAINT AND INVESTIGATION PROCEDURE BY ADDING A FILING FEE AND CREATING A MEDIATION PROCESS

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, shall be and is hereby amends Chapter 5 Administrative Code, Part 10 Code of Ethics, Section 5-1004 Statement of Financial Interests by clarifying who must file and Section 5-1009 Complaint and Investigation Procedure by adding a filing fee and creating a mediation process as set forth in Exhibit A attached hereto and made a part hereof.

SECTION 2. All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, shall remain in effect unchanged and likewise are ratified.

SECTION 3. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted: _____, 2016

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

Chapter 5
Administrative Code

Part 10
Code of Ethics

SECTION 5-1004 Statement of Financial Interests

Any official or employee of the City or authorities or boards with decision-making authority, *including advisory boards*, shall file with the City Clerk a Statement of Financial Interests for the preceding calendar year by May 1 of each year, as defined by the State Code of Ethics. Any individual appointed to such a position after May 1 has fifteen working days to file the Statement of Financial Interest. All statements must be made available for public inspection and copying at an amount not to exceed actual costs.

SECTION 5-1009 Complaint and Investigation Procedure

A. Who May File

Any person may file a complaint about alleged ethics violations of the Reading Code of Ethics or the City Charter. In addition, the Board may initiate proceedings. A person signing a complaint shall:

1. Reasonably believe in the existence of facts upon which the claim is based; and
2. Reasonably believe that the complaint may be valid under the ethics provisions of the Code of Ethics and the City Charter.

B. How to File

Complaints must be submitted on forms provided by the Board. The Board shall make available this form upon request. The complaint shall state the name, job or office held by the alleged violator and a description of the facts that are alleged to constitute a violation. It must contain a notarized signature subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities. The Board shall establish a separate P.O. Box through which to receive complaints. This P.O. Box shall be generally accessible by the investigative officer and/or the secretary, provided that the secretary is not a Board member.

Complaints must be filed within one year (365 days) of the date on which the alleged ethics violation that is the subject of the complaint occurred. Any complaint filed after this date shall be rejected.

C. Jurisdiction; Preliminary Investigation

1. Each complaint filed with the Board shall be immediately directed to and preliminarily reviewed by an investigating officer appointed by the Board

(the “Officer”) to determine whether the complaint falls within the jurisdiction of the Board. The aforesaid determinations shall be made within 30 days of the filing of the complaint. If the Officer determines that the Board does not have jurisdiction over the matter underlying the complaint, the complainant will be notified and no further action will be taken with regard to the complaint. If, however, the Officer determines that the complaint falls within the jurisdiction of the Board, the Officer shall authorize a preliminary investigation.

2. The preliminary investigation shall be initiated and accomplished at the sole direction of the Officer. If the Officer, in his/her sole discretion, finds that the violation(s), as alleged in the complaint, would, if proved, constitute a de minimis infraction, he/she may decline to initiate a preliminary investigation and dismiss the complaint, if to do so would be in the best interest of the citizens of the City of Reading.
3. At the onset of the preliminary investigation, the Officer shall notify both the complainant and the subject of the investigation of the filing of the complaint, the nature of the same, and the initiation of a preliminary investigation.
4. The preliminary investigation shall be completed within 60 days of the Officer’s finding of jurisdiction.
5. If at any time during the preliminary investigation, an extension is necessary and justified, the Officer shall have additional time in 30-day segments. The Officer shall timely notify both the complainant and the subject of the investigation of each such extension.
6. At the conclusion of the preliminary investigation, the Officer shall determine whether there may exist facts to support the complaint. If the inquiry fails to establish such facts, the Officer shall dismiss the complaint and notify both the complainant and the subject of the complaint of the dismissal of the complaint. If, however, at the conclusion of the preliminary investigation the Officer determines that there may exist facts to support the complaint, the Officer shall authorize a full investigation.

D. Full Investigation

If a preliminary investigation uncovers facts to support the complaint, the Officer shall authorize a full investigation. The complainant and the subject of the investigation shall be notified within three (3) days of the initiation of a full investigation and the subject shall be notified of the identity of the complainant. Until the investigation is concluded or terminated, the Officer will notify both the complainant and the subject of the investigation of the status of the investigation at least every ninety (90) days. Within one hundred eighty (180) days of the initiation of the full investigation, the Officer must either terminate the investigation or issue a findings report to the subject.

E. Findings Report

The findings report shall set forth the pertinent findings of fact as determined by the Officer. The Officer shall deliver the findings of fact to the complainant and the subject of the investigation. The subject of the investigation may, within 30 days of the report, request an evidentiary hearing, unless an extension is obtained from the Officer. When such a request is received by the Officer, the Officer shall immediately notify the Board of the request for a hearing, and the names of the parties involved. The Board shall upon receipt of such notice engage two attorneys: one to represent the facts in support of the complaint; and one to advise the Board in matters related to the evidentiary hearing. The Board solicitor shall not have any involvement in a particular matter once the findings report has been issued.

F. Evidentiary Hearing

1. **Timing.** An evidentiary hearing must be held within forty-five (45) days of the filing of a request for the same.
2. **Evidence.** The subject of the investigation shall have reasonable access to any evidence intended to be used at a hearing. The subject of the investigation shall have the opportunity to be represented by counsel and to subpoena witnesses, present evidence, cross examine witnesses against him/her, submit argument and shall be entitled to exercise all rights of confrontation and the like afforded him/her by the United States Constitution and the Pennsylvania Constitution.
3. **Closed Hearing.** The hearing shall be closed to the public unless the subject requests an open hearing in writing to the Board at least five (5) days before the hearing.

G. Decision by the Board; Final Order.

At the conclusion of the evidentiary hearing, the Board will determine by majority vote of those members presiding whether the evidence supports a finding that the subject of the complaint violated provision(s) of either the Charter or the Code.

Upon reaching a determination on the complaint, the Board shall issue a final order. A copy of said final order shall be immediately delivered to both the complainant and the subject of the complaint.

H. Petition for Reconsideration.

A subject, having been found to have violated a provision of the Charter or Code, may file a petition for reconsideration of the Board's decision. Such petition shall be filed with the Board within ten (10) days of the day the Board issues its final order.

I. Protection of Complainant

No person may be penalized, nor any employee of the City be discharged, suffer change in his/her official rank, grade or compensation, denied a promotion, or threatened, for a good faith filing of a complaint with the Board, or providing information or testifying in any Board proceeding.

J. Mediation

- 1. *In addition to the procedures set forth above regarding preliminary investigation, full investigation, and findings report, the Officer may, in his/her sole discretion, engage in mediation of a complaint at any time prior to the issuance of the findings report. The purpose of mediation would be to resolve the complaint in a voluntary manner, compliant with the Charter and the Code.***
- 2. *In the event the Officer determines that mediation would be useful, he/she shall notify both the complainant and the subject of the investigation of his/her intent to mediate and obtain the consent of both parties to mediate. If the complainant and the subject agree to mediation, the Officer shall conduct the mediation in whatever manner he/she deems best under the circumstances, considering the time in the investigative process when the mediation will take place.***
- 3. *If a resolution is achieved following mediation, the Officer shall prepare and present to the Solicitor a written mediation report, which shall be signed by the subject and the Officer. The Solicitor shall immediately present the mediation report to the Board for review and approval.***

If a complete resolution is not achieved following mediation, the Officer shall prepare and present to the Solicitor a statement indicating only that mediation occurred, but the matter was not resolved at mediation. The statement shall not state any particulars of the mediation, names, or identifying information of the parties. The Solicitor shall immediately present such statement to the Board for review. The matter shall then continue to proceed in accordance Subsections A to I above.

- 4. *Any mediated resolution must be compliant with the Charter and the Code. It shall be the sole province of the Board to determine if a mediated resolution is compliant with the Charter and the Code. At the Board's sole discretion and direction, it may re-submit a matter to mediation to resolve any aspect of a mediated resolution that is not compliant with the Charter or Code or as the Board may desire for other administrative reasons.***
- 5. *If the Board approves a mediated resolution of the entire matter, the Board shall issue a final order. A copy of said final order shall be immediately delivered to both the complainant and the subject of the complaint. In all respects, the general confidentiality provisions of the Code shall apply. There shall be no release or settlement agreement. If***

the Board does not approve a mediated resolution of the entire matter, the matter shall continue to proceed in accordance with Subsections A to I above. However, nothing in this Subsection J shall prevent the Officer and the subject from entering into a stipulated administrative settlement after the issuance of a findings report and a subject's demand for evidentiary hearing.

6. *The timeframes set forth above in subsections C to E shall be tolled while any mediation is taking place. However, the Officer shall ensure that mediation does not unduly delay the process set forth in Subsections A to I above*

7. *Miscellaneous Matters.*

- a. *Knowledge by the Board of the identity of the complainant or subject is permitted, provided that the identity of the complainant or subject is revealed to the Board only through a mediation report.*
- b. *Nothing herein shall preclude the Board from taking any action permitted by the Charter or Code with respect to the mediation, any resolution, and the issues raised in the complaint.*
- c. *All mediations, and all information exchanged, created, or transmitted in any way involving a mediation under these procedures, shall be confidential except as provided by the Code.*
- d. *The Officer shall not be permitted or compelled to testify in any proceeding, before any court, tribunal, or hearing board, including the Board, concerning any aspect of mediation.*
- e. *The Officer/Mediator shall not exchange any information with the Board or Solicitor concerning the mediation except as reduced to writing as provided in paragraph 3 above.*
- f. *At all times, as between the Officer and the Solicitor and/or Board, the Officer shall form, keep and maintain a wall of separation between him/herself as it pertains to any information obtained, learned, reported, supplied, or otherwise brought forth at the mediation except as reduced to a writing as provided in paragraph 3 above.*

TO:

City Council

FROM:

**Andres Dominguez, Chief of Police,
Reading Police Department, Administration**

PREPARED

BY:

**Andres Dominguez, Chief of Police,
Reading Police Department, Administration**

MEETING

DATE:

November 28, 2016

AGENDA MEMO DATE:

November 23, 2016

RECOMMENDED ACTION: Amendment to the 2016 Position Ordinance

BACKGROUND:

Since entering Act 47, the City has lost four non-union management positions (3-inspectors and 1 Deputy Chief) in the Police Department. It is the desire of Mayor Scott's Administration to reactivate the position of Deputy Police Chief in order to provide additional non-union management support for the Police Chief

BUDGETARY IMPACT:

Deputy Police Chief position is recommended to be set at \$95,000 per annum.

RECOMMENDATION:

Amending the 2016 Full-time Position Ordinance by creating the position of Deputy Police Chief within the Reading Police Department, Administration Division.

REVIEWED BY:

Chief of Police, Managing Director, Mayor, and Human Resources Manager

Drafted by Man Dir
Sponsored by/Referred by Man Dir/ Police Chief
Introduced on Nov 28, 2016
Advertised on N/A

BILL NO. _____ 2016
A N O R D I N A N C E

**AN ORDINANCE AMENDING THE 2016 FULL-TIME POSITION ORDINANCE BY
CREATING ONE (1) DEPUTY POLICE CHIEF POSITION.**

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading 2016 Full-time Position Ordinance as follows:

1. Adding one (1) Deputy Police Chief position under the Police Department

SECTION 2. This Ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter

Enacted _____, 2016

Jeffrey Waltman, President of Council

Attest:

City Clerk
Submitted to Mayor: _____
Date: _____
Received by the Mayor's Office: _____
Date: _____
Approved by Mayor: _____
Date: _____
Vetoed by Mayor: _____
Date: _____

Drafted by Man Dir
Sponsored by/Referred by Man Dir/Police Chief
Introduced on Nov 28, 2016
Advertised on N/A

BILL NO. _____ 2016
A N O R D I N A N C E

**AN ORDINANCE OF THE CITY OF READING SETTING FORTH THE SALARY
OF THE DEPUTY POLICE CHIEF IN THE DEPARTMENT OF POLICE.**

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The salary of the Deputy Police Chief in the Department of Police shall be NINETY-FIVE THOUSAND DOLLARS (\$95,000) per annum, payable in equal bi-monthly installments, or as otherwise provided for by ordinance.

SECTION 2. All the ordinances or parts of ordinance which are inconsistent herewith are hereby repealed.

SECTION 3. This Ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter

Enacted _____, 2016

Jeffrey Waltman, President of Council

Attest:

City Clerk
Submitted to Mayor: _____
Date: _____
Received by the Mayor's Office: _____
Date: _____
Approved by Mayor: _____
Date: _____
Vetoed by Mayor: _____
Date: _____

Drafted by
Requested by
Introduced on
Advertised on

City Clerk
Councilors Slifko & Daubert
December 5, 2016
N/A

BILL NO. ____-2016

**AN ORDINANCE AMENDING THE 2017 POSITION ORDINANCE BY ADDING A
PROJECT & PROGRAMS MANAGER IN THE PUBLIC WORKS
ADMINISTRATION DIVISION**

The Council of the City of Reading hereby ordains as follows:

Section 1. Adding the position of Project & Programs Manager to the Public Works Department within the Administration Division from the 2017 Position Ordinance.

Section 2. This Ordinance shall be effective ten (10) days after adoption pursuant to Sections 219 and 221 of the City of Reading Home Rule Charter.

Adopted _____, 2016

President of Council

Attest:

City Clerk

Sent to Mayor _____

Date: _____

Signed by Mayor _____

Date: _____

Vetoed by Mayor: _____

Date: _____

Over-ridden by Council:

Date: _____

Drafted by
Requested by
Introduced on
Advertised on

City Clerk
Councilors Marmarou & Slifko
December 5, 2016
N/A

BILL NO. ____-2016

**AN ORDINANCE AMENDING THE 2017 POSITION ORDINANCE BY
REMOVING THE DEPUTY POLICE CHIEF FROM THE POLICE DEPARTMENT**

The Council of the City of Reading hereby ordains as follows:

Section 1. Removing the position of Deputy Police Chief from the Police Department Administration from the 2017 Position Ordinance.

Section 2. This Ordinance shall be effective ten (10) days after adoption pursuant to Sections 219 and 221 of the City of Reading Home Rule Charter.

Adopted _____, 2016

President of Council

Attest:

City Clerk

Sent to Mayor _____

Date: _____

Signed by Mayor _____

Date: _____

Vetoed by Mayor: _____

Date: _____

Over-ridden by Council:

Date: _____

Drafted by: Managing Director's Office
Sponsored/Referred by: Managing Director
Introduced on: December 5, 2016

BILL NO. ____ 2016
AN ORDINANCE AUTHORIZING A BUDGET AMENDMENT FOR BUDGET YEAR
2016

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

Section One: Council hereby authorizes the amendment of the 2016 Budget as follows:
Transfer the following amounts to the following sources:

1. \$81,700 to the Salaries line in Mayor's Office
2. \$5,100 to the Salaries line in City Council
3. \$1,000 to the Salaries line in Admin. Services - Purchasing
4. \$5,800 to the Salaries line in Fire Administration
5. \$10,600 to the Salaries line in Community Development - Administration
6. \$3,700 to the Salaries line in Law
7. \$2,000 to the Salaries line in Human Relations Commission

Transfer the following amounts from the following sources:

1. \$25,000 from the Salaries line in City Auditor
2. \$75,000 from the Salaries line in Admin. Services – Human Resources
3. \$9,900 from the Salaries line in Admin. Services – Director of Finance

Section Two: This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

ENACTED _____, 2016

President of Council

ATTEST:

City Clerk

Submitted to Mayor by: _____
Date Submitted: _____
Received in Mayor's Office by: _____
Date Received: _____
Approved by Mayor: _____
Date Approved: _____
Vetoed by Mayor: _____
Date Vetoed: _____

Drafted by: Managing Director's Office
Sponsored/Referred by: Managing Director
Introduced on: December 5, 2016

BILL NO. ____ 2016
AN ORDINANCE AUTHORIZING A BUDGET AMENDMENT FOR BUDGET YEAR
2016

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

Section One: Council hereby authorizes the amendment of the 2016 Budget as follows:
Transfer \$1,800.00 to the Salaries budget line in the Self Insurance Fund from the Legal Services budget line in the Self Insurance Fund.

Section Two: This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

ENACTED _____, 2016

President of Council

ATTEST:

City Clerk

Submitted to Mayor by: _____
Date Submitted: _____
Received in Mayor's Office by: _____
Date Received: _____
Approved by Mayor: _____
Date Approved: _____
Vetoed by Mayor: _____
Date Vetoed: _____

Drafted by: City Clerk/Managing Director
Sponsored/Referred by: Managing Director
Introduced on: December 5, 2016
Advertised on: N/A

**B I L L N O. _____ - 2016
A N O R D I N A N C E**

**PROVIDING A ONE-TIME ALLOWANCE TO MANAGEMENT EMPLOYEES,
FROM MANAGEMENT SALARY SAVINGS, WHO HAVE BEEN EMPLOYED BY
THE CITY FOR A MINIMUM OF ONE YEAR**

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Providing a one-time allowance of no more than two percent (2%), paid from Management Salary savings, to Management employees who have been employed by the City of Reading for a minimum of one (1) full year, excluding the Managing Director.

SECTION 2. This ordinance shall become effective ten (10) days after its adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted _____, 2016

President of Council

Attest:

City Clerk
Submitted to Mayor: _____
Date: _____
Received by the Mayor's Office: _____
Date: _____
Approved by Mayor: _____
Date: _____
Vetoed by Mayor: _____
Date: _____

Drafted by	Solicitor
Sponsored by/Referred by	Mayor/Managing Director
Introduced on	December 19, 2016
Advertised on	N/A

BILL NO. ____ 2017
AN ORDINANCE

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A TERMINATION AND MUTUAL RELEASE AGREEMENT RE THE REDEVELOPMENT PROJECT OF PROPERTIES SITUATED ON PENN STREET BETWEEN FOURTH & FIFTH STREETS, READING, BERKS COUNTY, PENNSYLVANIA.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Pursuant to Bill No. 82-2014, the City of Reading entered into a certain Redevelopment Agreement for certain Penn Square Properties with Our City-Reading, Inc.

SECTION 2. The City of Reading and Our City-Reading, Inc. desire to end said Redevelopment Agreement.

SECTION 3. The Mayor is hereby authorized to execute a Termination and Mutual Release Agreement (attached hereto).

SECTION 4. This ordinance shall be effective ten (10) days after passage by City Council and approval by the Mayor as set forth in the City of Reading Home Rule Charter Article II Section 219.

Enacted _____, 2017

President of Council

Attest:

City Clerk

Sent to Mayor _____

Date: _____

Signed by Mayor _____

Date: _____

Vetoed by Mayor: _____

Date: _____

Over-ridden by Council:

Date: _____

TERMINATION AND MUTUAL RELEASE AGREEMENT

This Termination and Mutual Release Agreement (this "Agreement"), made this ____ day of _____, 2016, is by and among the City of Reading, a political subdivision of the Commonwealth of Pennsylvania with offices at 815 Washington Street, Reading PA 19601 (the "City"), Penn Square MT LP, a Pennsylvania limited partnership (the "MT LP"), Penn Square MT Manager, Inc., a Pennsylvania corporation ("PSMT Manager") and Our City Reading, Inc., a Pennsylvania non-profit corporation ("OCR"). The signatories to this Release are referred to individually as a "Party" and jointly as the "Parties."

RECITALS:

(A) The City is the owner of certain buildings situated on Penn Street, between 4th Street and 5th Street, Reading, Pennsylvania (collectively, the "Buildings"), as more particularly legally described in Exhibit A attached hereto and made a part hereof, together with certain other improvements and all appurtenances, easements, rights of way and other rights belonging to or in any way pertaining thereto or to the Buildings (collectively, the "Properties"), together with all personal property located thereon and therein for the purposes of operating the Property for residential and commercial lease purposes.

(B) The Properties were acquired by the City on or about August 13, 2013 for the amount of \$2,614,408.84.

(C) The City made the redevelopment of the Properties a priority in recognition of the importance of such redevelopment to higher and better uses than existed for the general improvement of the Penn Street downtown corridor.

(D) OCR is a community and economic development non-profit corporation, exempt from taxation under Section 501 (c)(3) of the Internal Revenue Code, with extensive experience in developing, leasing and managing both commercial and residential properties within the City of Reading, Pennsylvania.

(E) The City engaged OCR to assist it in the redevelopment of the Properties (the "Redevelopment Project") and to work in concert with the City to enhance the success of the Redevelopment Project as evidenced by, inter alia, (i) that certain Penn Square Redevelopment Agreement, dated November 14, 2014, by and between the City and OCR (the "Redevelopment Agreement"); and (ii) that certain City Council Resolution 81 2014 ("Resolution 81"), whereby the City Council of the City of Reading designated OCR as the City's redevelopment partner and gave it the responsibility of coordinating the construction, renovation and leasing of the Properties.

(F) The City and OCR worked together to structure the Redevelopment Project in a manner (i) that qualifies for historic rehabilitation tax credit allowed for qualified rehabilitation expenditures incurred in connection with the "certified rehabilitation" of a "certified historic structure" (the "Historic Tax Credits") pursuant to Section 4 7 of the Internal Revenue Code of 1986, as amended from time to time, or any corresponding provision or provisions of prior or succeeding law (the "Code") and (ii) to accommodate incubators, office space, and restaurants (the

“Project”). The City further agreed to make certain loans and grants available as more fully described below.

(G) The City and PSMT Manager (as general partners) and OCR (as limited partner) formed a Pennsylvania limited liability company called “Penn Square MT LP” (“MT LP”) pursuant to that certain limited partnership agreement dated as of September 30, 2015 (the “Limited Partnership Agreement”).

(H) The City maintains ownership of the Properties and leased the Properties to MT LP pursuant to that certain Master Lease Agreement dated September 30, 2015 between the City (as landlord) and MT LP (as master tenant) (the “Lease Agreement”).

(I) MT LP engaged OCR as the exclusive managing agent of the Properties pursuant to that certain Management Agreement dated September 30, 2015 between MT LP and OCR (the “Management Agreement”; together with the Redevelopment Agreement, the Lease Agreement and the Limited Partnership Agreement, collectively, the “Transaction Documents”), pursuant to which OCR agreed to manage the day-to-day management and operation of the Properties.

(J) In order to finance the Redevelopment Project, as of the date of this Agreement, the following loans and grants were made:

1. *\$1,500,000 HUD 108 Loan.* The City made application to the United States Department of Housing and Urban Development (“HUD”) for a loan under Section 108 of the Housing and Community Development Act of 1974 (the “Application”) in an amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00) (the “108 Loan”). The Application was approved by HUD and is secured by (i) an Open-End Leasehold Mortgage and Security Agreement recorded against the Properties (the “Mortgage”) as a first lien position against the leasehold interest in the Property. The City has entered into a Contract for Loan Guaranty Assistance under Section 108 of the Housing and Community Development Act of 1974 (the “Contract for Loan Guaranty”) with HUD by which HUD has agreed to make the 108 Loan to the City. The City in turn, as the borrower from HUD, loaned the 108 Loan proceeds to MT LP for use in the Redevelopment Project (the “City 108 Loan”). As security for the City 108 Loan, MT LP granted the Mortgage to the City. The City 108 Loan was evidenced by and secured by a number of loan documents, including without limitation that certain Loan Agreement, Note, the Mortgage, the Assignment of Leases and Rents, Assignment of Management Agreement, and any guarantee and all documents collateral thereto and entered in connection therewith are hereinafter, collectively referred to as the “HUD 108 Loan Documents”. The City 108 Loan proceeds have not been dispersed to MT LP by the City and may only be used for the sole and exclusive purpose of the Redevelopment Project.

2. *\$750,000 BEDI Grant.* The City was awarded that certain Brownfield Economic Development Initiative grant (the “BEDI Grant”) from the U.S. Department of Housing and Urban Development (“HUD”) with respect to the Redevelopment Project in the amount of Seven Hundred and Fifty Thousand

Dollars (\$750,000). The City sub-granted the Grant to OCR and by the sub-grant, OCR agreed to accept the BEDI Grant funds on behalf of MT LP in further financing of the Redevelopment Project through a loan facility provided OCR. The BEDI Grant has been used by MT LP to pay utilities of the Properties. As of March 1, 2016 the remaining BEDI Grant proceeds equaled \$670,290. All documents executed in connection with the BEDI Grant are hereinafter, collectively referred to as the "BEDI Grant Documents".

3. \$300,000 CDBG. The City made a Community Development Block Grant Loan, as guaranteed by HUD, to MT LP in the principal amount of Three Hundred Thousand Dollars (\$300,000) for working capital costs in connection with the Redevelopment Project (the "CDBG Loan"). The CDBG Loan was evidenced by and secured by a number of loan documents, including without limitation that certain Loan Agreement, Note, the Mortgage, the Assignment of Leases and Rents, Assignment of Management Agreement, and any guarantee and all documents collateral thereto and entered in connection therewith are hereinafter, collectively referred to as the "CDBG Loan Documents"; together with the HUD 108 Loan Documents and the BEDI Grant Documents, collectively, the "Finance Documents".

(K) The City has requested and OCR, PSMT Manager and MT LP have agreed, pursuant to the terms and conditions of this Agreement to (i) terminate the Redevelopment Project in order to permit the City to sell the Properties or find another development manager; (ii) terminate all Transaction Document, (iii) dissolve and liquidate PSMT, (iv) return any and all remaining grant and loan proceeds; and (v) release each Party hereto from any and all claims and liabilities as more specifically set forth herein.

NOW, THEREFORE, and in consideration of the covenants, promises and conditions set forth herein, as well as, the execution of this Agreement and promises set forth below, the undersigned hereby agrees as follows:

Termination of Transaction and Finance Documents. On the Effective Date, the Parties, for mutual convenience, hereby agree that all of the terms, agreements and obligations contained in any and all of the Transaction Documents and Finance Documents shall and hereby are immediately and irrevocably terminated in all respects and shall be of no further force or effect. On the Effective Date, no Party shall have (except as otherwise expressly set forth herein) any obligation, responsibility, or liability to the other Party for any reason whatsoever in connection with the Transaction Documents and Finance Documents, including, but not limited to the Redevelopment Project or the repayment of any amount due and owing to one another under the Finance Documents, and any and all other past, present, or future payments, performance, or any other obligations under the Transaction Documents and Finance Documents.

Survival. Notwithstanding the terms of this Agreement, the provisions of the Agreements which by their terms are intended to survive termination of such Agreements shall survive the termination effected hereby.

Conveyance of Control. The Parties covenant and agree that immediately upon the Effective Date (1) any remaining BEDI Grant proceeds shall be conveyed and turned over to the City within three (3) business days of the Effective Date; (2) management, control and operation of the Properties shall be deemed transferred and assigned to and in the complete dominion and control of the City in all respects; (3) the City shall return the 108 Loan proceeds to HUD or follow any other written direction of HUD with respect to the 108 Loan.

Conditions Precedent. The effectiveness of this Agreement, and the Party's obligations hereunder, are conditioned upon the fulfillment by the Parties of all of the following conditions precedent (the date such conditions have been satisfied, the "Effective Date"):

the execution of this Agreement by all Parties;

receipt by all Parties of a written resolution by the City Council of the City of Reading authorizing the execution of this Agreement by Mayor Wally Scott on behalf of the City; and

written approval from HUD that the parties may enter into and effectuate the terms of this Agreement at no liability or expense to the Parties and that the 108 Loan and all liens and security interests securing the 108 Loan shall be released and terminated, or alternatively, reallocated or used for such other purposes as approved by HUD.

This Agreement shall not be effective unless and until all of the above conditions have been satisfied. The Parties further agree that, except as set forth above, all rights and responsibilities under the Agreement have been satisfied. In case at any time after the Effective Date any further actions are necessary or desirable to give effect or carry out the purposes of this Agreement, each of the Parties agrees to take such further action (including the execution and delivery of such further instruments and documents) as any other Party may reasonably request.

Dissolution of MT LP. The Parties agree that after the Effective Date they shall cooperate and work together to dissolve MT LP.

Mutual Release. Upon and forever following execution of this Agreement, each Party to this Agreement does hereby fully and unconditionally release and forever discharge the other Party and its respective affiliates, past and present employees, agents, insurers, attorneys, administrators, officers, directors, shareholders, members, divisions, parents, subsidiaries, affiliates, predecessors, and successors-in-interest from, and agrees not to bring any action, proceeding or suit regarding, from any and all, past, present or future causes of action, suits, dues, sums of money, accounts, covenants, controversies, guarantees, promises, damages, judgments, executions, rights, obligations, liabilities, defenses, rights of set-off, all agreements, claims, demands, liabilities, damages, claims for damages or specific performance, or claims or counterclaims or demands of any nature whatsoever, at law or in equity, known or unknown, fixed or contingent, whatsoever, that any releasing Party may have against any released Party, arising out of or relating to the Transaction Documents, the Finance Documents, the

Redevelopment Project, the Properties or any matters or agreements incidental thereto; provided, however, that nothing herein shall release the parties from their obligations under this Agreement.

Representations and Warranties. Each Party represents and warrants to the other Parties that:

it is duly organized and validly existing under the laws of the jurisdiction in which it is incorporated or formed;

it has the power to enter into the transaction and to execute and deliver this Agreement and any and all other documents required to be delivered by it in connection with this Agreement;

its obligations under this Agreement and under any and all other documents required to be delivered by it in connection with this Agreement constitute its legal, valid, binding and enforceable obligations (subject to applicable bankruptcy, reorganization, insolvency, moratorium or similar laws affecting creditors' rights generally and subject, as to enforceability, to equitable principles of general application); and

other than as notified to the other Parties on or before the date of this Agreement, no notice to, registration with, consent or approval of or any other action by any relevant Governmental Authority is or will be required for it to execute, deliver and perform its obligations under this Agreement.

Entire Agreement. This Agreement contains the entire agreement between the Parties hereto relating to the subject matter hereof and there are no understandings, agreements, representations or warranties regarding the subject matter of this Agreement except as specifically set forth herein. This Agreement may not be modified or amended in full or in part except by a written instrument signed by all Parties hereto. No rights under this Agreement may be waived, unless such waiver is executed in writing by the party making such waiver. No such waiver shall be deemed a waiver of any other right or of the same right on any subsequent occasion.

Time is of the Essence. Each Party acknowledges and agrees that time is of the essence and will take whatever actions are reasonably required to implement the terms of this Agreement as soon as possible.

Governing Law. This Agreement shall be interpreted, construed, and governed by the laws of the Commonwealth of Pennsylvania without regard to conflict of law provisions. The parties agree that in any dispute arising out of this Agreement, jurisdiction and venue shall be in Philadelphia, Pennsylvania.

Binding Nature of the Agreement. This Agreement shall be binding upon the parties and their respective heirs, representatives, successors and assigns. All of the covenants and agreements herein contained in favor of the parties are for the express benefit of each and all of them.

Counterparts. This Agreement may be signed in one or more counterparts, all of which together shall constitute one and the same agreement. To the extent delivered by means of a facsimile machine or electronic mail, this Agreement shall be treated in all matters and respects and for all purposes as an original agreement and shall be considered to have the same binding legal effect as if it were the original signed version thereof delivered in person.

Notices. All notices shall be made in writing directed to the parties at their last known address, or at such other address as shall be designated in writing by the parties, and shall be sent by either personal hand delivery, facsimile or certified mail, return receipt requested.

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, the parties hereto have caused this Termination and Mutual Release Agreement to be executed the day and year first above written.

THE CITY OF READING

By: _____
Name: Wally Scott
Title: Mayor

OUR CITY-READING, INC.

By: _____
Name: Albert R. Boscov
Title: Chairman

PENN SQUARE MT LP

By: Penn Square MT Manager, Inc.,
its general partner

By: Our City-Reading, Inc.,
its sole shareholder

By: _____
Name: Albert R. Boscov
Title: Chairman

By: Boscov's, Inc., its limited partner

By: _____
Name: Albert R. Boscov
Title: Chairman

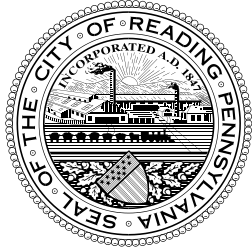
PENN SQUARE MT MANAGER, INC.,

By: Our City-Reading, Inc.,
its sole shareholder

By: _____
Name: Albert R. Boscov
Title: Chairman

Exhibit A

[Legal Description of Properties]



AGENDA MEMO

COMMUNITY DEVELOPMENT DEPARTMENT

TO: CITY COUNCIL
FROM: ALEX PALACIOS, COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR
MEETING DATE: NOVEMBER 28, 2016
AGENDA MEMO DATE: NOVEMBER 10, 2016
REQUESTED ACTION: TO RESCIND THE AWARD OF THE CITY'S MICRO-LOAN PROGRAM
TO THE COMMUNITY FIRST FUND

BACKGROUND: On May 23, 2016 City Council passed a resolution authorizing the transfer of the Commonwealth of Pennsylvania's funded Micro-Loan Program to the Community First Fund. The administration has decided to rescind the offer. The loan program will be directly administered by the City.

BUDGETARY IMPACT: None.

PREVIOUS ACTION: None.

SUBSEQUENT ACTION: None.

RECOMMENDED BY: The Managing Director and the Mayor.

RECOMMENDED MOTION: To approve/deny a Council Resolution authorizing the Mayor to rescind the offer to transfer the City's former Micro-Loan Program to the Community First Fund.

Attachment

Cc: Mayor Scott
Glenn Steckman
Charles Younger

Drafted by CD
Sponsored by/Referred by Mayor/Man Dir
Introduced on N/A
Advertised on N/A

RESOLUTION NO. _____ 2016

RESOLUTION OF THE COUNCIL OF THE CITY OF READING AUTHORIZING THE
MAYOR TO RESCIND THE OFFER OF ENTERING INTO AN AGREEMENT TO
TRANSFER
THE CITY'S MICRO-LOAN PROGRAM TO THE COMMUNITY FIRST FUND

WHEREAS, in the past the City of Reading received Commonwealth of Pennsylvania funding and created an Enterprise Zone Revolving Loan Program known as EZFRED;

WHEREAS, the City of Reading utilizing the loan repayment funds created a Micro-Loan Program which was previously administered by a consultant that is no longer under contract with the City of Reading;

WHEREAS, on May 23, 2016 City Council passed a resolution authorizing the transfer of the Micro-Loan Program to the Community First Fund;

WHEREAS, the Mayor has decided to rescind the offer to transfer the loan program to the Community First Fund;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING THAT:

The Mayor, on behalf of the City of Reading, is authorized and directed to rescind the offer to transfer the Micro-Loan Program to the Community First Fund. The loan program will be directly administered by the City.

ADOPTED BY COUNCIL _____, 2016

PRESIDENT OF COUNCIL

ATTEST:

CITY CLERK